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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

10 vs. )

11 JOSEPH JEFFEREY BRICE, )

12 Defendant. )

11-CR-00075-LRS

United States' Bill of  
Particulars, Road Map, and  
Discussion of Relevant  
Evidence

14 Plaintiff, United States of America, by and through Michael C. Ormsby,  
15 United States Attorney for the Eastern District of Washington, and Russell E.  
16 Smoot, Assistant United States Attorney for the Eastern District of Washington,  
17 submits the following Bill of Particulars, Road Map, and Discussion of Relevant  
18 Evidence.<sup>1</sup>

20  
21 <sup>1</sup>Given that the United States *has provided* the practical equivalent of “full  
22 discovery,” United States v. Mitchell, 744 F.2d 701, 705 (9<sup>th</sup> Cir. 1984) (citing  
23 United States v. Griesse, 597 F.2d 1170, 1180 (9<sup>th</sup> Cir. 1979), cert. denied, 444 U.S.  
24 979 (1979)), and two comprehensive trial memorandums, *see* ECF Docs. 182, 185,  
25 and grand jury testimony that resulted in the Superseding Indictment, the United  
26 States respectfully submits that when the purpose of a bill of particulars has been  
27 served through the indictment and discovery, any attempt to *re-advise* the  
28 defendant in the context of a “bill of particulars” is simply redundant. In short,

United States' Bill of Particulars,  
Road Map, and Discussion of Relevant Evidence - 1

**I. Bill of Particulars:**

**A. Legal Standard:**

As previously stated in objection to providing a bill of particulars, the Federal Rules of Criminal Procedure states that a court may direct the government to file a bill of particulars. Fed. R. Crim. P. 7(f). A bill of particulars has three purposes: “to apprise the defendant of the specific charges being presented so as to minimize surprise at trial, to aid the defendant in preparing for trial, and to protect against double jeopardy.” United States v. Burt, 765 F.2d 1364, 1367 (9<sup>th</sup> Cir. 1985) (citing United States v. Long, 706 F.2d 1044, 1054 (9<sup>th</sup> Cir. 1983)).

A defendant is not entitled to a bill of particulars as a matter of right. Wong Tai v. United States, 273 U.S. 77, 82 (1927). *The purpose of a bill of particulars is served if the indictment itself provides sufficient details of the charges and if the Government provides full discovery to the defense.* United States v. Mitchell, 744 F.2d 701, 705 (9<sup>th</sup> Cir. 1984) (emphasis added) (citing United States v. Griese, 597 F.2d 1170, 1180 (9<sup>th</sup> Cir. 1979), cert. denied, 444 U.S. 979 (1979)). A defendant “is not entitled to know all the evidence the government intends to produce but

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providing a “bill of particulars” when *the particulars* of the case have *already been provided* through pre-trial discovery and advisory pleadings begs the question of what purpose is served by providing a subset of what has already been provided – other than to encourage defense counsel to delay its review of all the discovery until the government points out what’s important to its case-in-chief (which, according to the Ninth Circuit, a defendant “is not entitled to know”). Further, because the Court used terms such as “road map” and “opening statement” interchangeably with “bill of particulars,” the United States proceeds in this pleading without concrete direction, or precedence, on how to “advise” the Defendant on information and material that has already been provided.

1 only the theory of the government's case." United States v. Ryland, 806 F.2d 941,  
2 942 (9<sup>th</sup> Cir. 1986), cert. denied, 481 U.S. 1057 (1987).

3 **B. The Superseding Indictment:**

4 On June 21, 2011, the Defendant was changed by Superseding Indictment  
5 as follows:

6 COUNT ONE

7 That on or about April 18, 2010, in the Eastern District of Washington, the  
8 Defendant, JOSEPH JEFFEREY BRICE, knowingly made a firearm, to wit: a  
9 destructive device as defined pursuant to 26 U.S.C. § 5845(a)(8), (f)(1)(A), in  
10 violation of 26 U.S.C. §§ 5822, 5861(f), 5871, and 18 U.S.C. § 921(a)(4).

11 COUNT TWO

12 That on or about May 8, 2011, in the Eastern District of Washington, the  
13 Defendant, JOSEPH JEFFEREY BRICE, did knowingly distribute to another  
14 person information pertaining to, in whole or in part, the manufacture or use of an  
15 explosive, a destructive device, or a weapon of mass destruction, specifically an  
16 Acetone Peroxide Ammonium Nitrate ("APAN") explosive, with the knowledge  
17 that the teaching, demonstration, and information would be used for, or in  
18 furtherance of, an activity that constitutes a Federal crime of violence, including  
19 18 U.S.C. § 2332a (use of weapons of mass destruction), in violation of 18 U.S.C.  
20 §§ 842(p)(2)(A) and 844(a)(2).

21 COUNT THREE

22 That on or about December 21, 2010, and continuing through on or about  
23 May 8, 2011, in the Eastern District of Washington, the Defendant, JOSEPH  
24 JEFFREY BRICE, did attempt[ <sup>2</sup> ] to provide material support or resources, in the  
25

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26 <sup>2</sup>The Ninth Circuit Jury Instruction for "Attempt" provides:

27 The defendant is charged in the indictment with attempting to  
28 commit [specify crime charged]. In order for the defendant to be

1 form of “training,” defined as “instruction or teaching designed to impart a  
 2 specific skill,” and “expert advice or assistance,” defined as “advice or assistance  
 3 derived from scientific, technical or other specialized knowledge,” knowing and  
 4 intending that such “training” and “expert advice and assistance” were to be used  
 5 in the preparation for, or in carrying out the specified Federal offenses, to wit: the  
 6 use, threatened use, or attempted use of a weapon of mass destruction against any  
 7 person or property which would have affected interstate commerce, in violation of  
 8 18 U.S.C. § 2332a(a)(2) (use of weapons of mass destruction); all in violation of  
 9 18 U.S.C. § 2339A(a).

### 10 **C. The Discovery:**

11 In terms of setting forth “full discovery” in this “bill of particulars,” the  
 12 United States respectfully submits that there are thousands of pages of law  
 13 enforcement reports and search warrant affidavits and returns (including electronic  
 14 media that could result in tens of thousands of pages of printed documents) and, as  
 15 such, it is too voluminous to incorporate in this pleading.<sup>3</sup> However, the grand  
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17 found guilty of that charge, the government must prove each of the  
 18 following elements beyond a reasonable doubt:

19 First, the defendant intended to [specify elements of crime  
 19 charged]; and

20 Second, the defendant did something that was a substantial step  
 21 toward committing the crime.

22 Mere preparation is not a substantial step toward committing  
 23 the crime. To constitute a substantial step, a defendant's act or  
 24 actions must demonstrate that the crime will take place unless  
 25 interrupted by independent circumstances.

26 <sup>3</sup>Twice, in objection to the Defendant’s request for a bill of particulars, the  
 27 United States provided:

28 the United States provided significant discovery, including search  
 29 warrant affidavits, law enforcement reports, and transcripts of grand  
 30 jury testimony[;]

1 jury testimony of Federal Bureau of Investigation (FBI) Special Agent Bomb  
 2 Technician (SABT) Lee McEuen is set forth as *Attachment A* (FILED UNDER  
 3 SEAL) and *incorporated herein by reference* as it is the best evidence of what  
 4 “apprised” and persuaded ordinary citizens that the facts supported a finding of  
 5 probable cause that the Defendant committed the offenses set forth in the  
 6 Superseding Indictment. If the grand jury testimony is insufficient, the  
 7 Defendant’s post arrest confession is set forth as *Attachment B* (FILED UNDER  
 8 SEAL) and *incorporated herein by reference* as significant evidence that the  
 9 Defendant *himself* was aware that his conduct in providing detailed explosive  
 10 information to “Abu Harith” through social media would result in him being

11  
 12 *see* ECF Doc. 123; and

13 In addition to the above-referenced “discovery, including  
 14 search warrant affidavits, law enforcement reports, and transcripts of  
 15 grand jury testimony,” the United States filed a First Trial  
 16 Memorandum Re: Evidence Admissible Pursuant to Federal Rules of  
 17 Evidence 401, 402, 404(b), 801(d)(1)(A) and Applicable Case Law,  
 18 *see* ECF Doc. 182 (filed Feb. 17, 2012), and a Second Trial  
 19 Memorandum Re: Summary of Factual Basis for Charges. *See* ECF  
 20 Doc. 185 (filed Feb. 29, 2012). In terms of the Second Trial  
 21 Memorandum, the United States set forth a specific articulation of  
 22 facts related to Count One, Count Two, and Count Three. While the  
 23 Second Trial Memorandum disclaims that “the United States reserves  
 24 the right to supplement and/or amend this Second Trial Memorandum  
 25 through subsequent pleadings and oral argument[,]” it does include  
 26 approximately 12 pages of text referencing the Defendant’s conduct  
 27 from December 2010 through his arrest on May 9, 2011, *see* ECF  
 28 Doc. 185, pgs. 26-38, which is the time-period alleged in Count  
 Three.

Given that the Defendant “is not entitled to know all the  
 evidence the government intends to produce but only the theory of the  
 government’s case[,]” *United States v. Ryland*, 806 F.2d 941, 942 (9<sup>th</sup>  
 Cir. 1986), *cert. denied*, 481 U.S. 1057 (1987), (cited in ECF Doc.  
 123 and included *supra*), the United States respectfully submits that it  
 has provided a *defacto* bill of particulars through its early disclosure  
 of a non-required trial memoranda. In short, the United States has  
 gone beyond the mere threshold of required discovery in advising the  
 Defendant relevant to the theory of its case prior to trial. As such, the  
 practical effect of requiring the United States to provide a “bill of  
 particulars” would simply be to file the same Second Trial  
 Memorandum under a different caption and docket number.

*See* ECF Doc. 219.

1 charged with terrorism and result in him going to jail. Finally, notwithstanding the  
2 volumes of detailed reports the United States has provided and could attach to this  
3 “bill of particulars” the e-mail exchange with FBI undercover employee “Abu  
4 Harith” (not actual name) is set forth *infra* AS evidence of the primary act of  
5 providing explosive information (Count Two) and attempted material support in  
6 the form of training (Count Three).

7 Of course the United States provides *Attachment A, B*, with the caveat that  
8 these three attachments are just a small portion of the discovery provided in this  
9 matter. Providing such voluminous excerpts does not relieve defense counsel of  
10 his duty of due diligence to review all of the discovery. Just as the United States  
11 must work through the law enforcement reports, search warrant returns,  
12 Defendant’s statements and conduct, to find proof of the allegations beyond  
13 reasonable doubt, the Defendant cannot simply rely on the United States to explain  
14 the discovery to counsel.

15 **D. Theory of the Case and Government’s Burden:**

16 Here, the “theory of the case” is simple: Defendant JOSEPH JEFFEREY  
17 BRICE’s on-going and arguably insatiable interest in manufacturing, detonating,  
18 and assisting others in manufacturing and detonating explosives is the  
19 predominant motivation resulting in his on-going search for information,  
20 knowledge, skill, experience, and gratification obtained from manufacturing  
21 chemical explosives and the effects of detonation of such explosives. The  
22 evidence in this matter, while in many instances is relatively simple, is also  
23 complex in terms of not just the who, what, where, when and how, as the Court  
24 pointed out during the August 6, 2012, Pretrial Conference, but the “why.” It is  
25 not so much a “why” question, however. Rather, the question, and ultimate  
26 burden on the United States is did the Defendant really *intend* to “distribute to  
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1 another person information pertaining to, in whole or in part, the manufacture or  
2 use of an  
3 explosive, a destructive device, or a weapon of mass destruction, specifically an  
4 Acetone Peroxide Ammonium Nitrate (“APAN”) explosive, with the knowledge  
5 that the teaching, demonstration, and information would be used for, or in  
6 furtherance of, an activity that constitutes a Federal crime of violence[.]” *see*  
7 Count Two, and did the Defendant really *intend* “to provide material support or  
8 resources, in the form of “training,” defined as “instruction or teaching designed to  
9 impart a specific skill,” and “expert advice or assistance,” defined as “advice or  
10 assistance derived from scientific, technical or other specialized knowledge,”  
11 knowing and intending that such “training” and “expert advice and assistance”  
12 were to be used in the preparation for, or in carrying out the specified Federal  
13 offenses, to wit: the use, threatened use, or attempted use of a weapon of mass  
14 destruction against any person or property which would have affected interstate  
15 commerce, in violation of 18 U.S.C. § 2332a(a)(2) (use of weapons of mass  
16 destruction)[.]” *See* Count Three.

17 In this case, there are several *mens rea* elements that the United States must  
18 prove. First, that the Defendant knowingly made a destructive device. *See* 26  
19 U.S.C. § 5861(f). Second, that the Defendant knowingly distributed information  
20 about the manufacture of explosives with the knowledge that the information be  
21 used in furtherance of a crime of violence. *See* 18 U.S.C. §§ 842(p)(2)(A),  
22 844(a)(2). Finally, that the Defendant provided training knowing and intending  
23 that the training was to be used in the preparation for the use, attempted use, or  
24 threatened use of a weapon of mass destruction. *See* 18 U.S.C. § 2339A(a).

25 Not only must the United States prove the above elements, the Defendant  
26 has put his intent squarely at issue. After the Defendant was arrested, he  
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1 participated in a consensual interview with SABT McEuen and SA Harril. Within  
2 the first fifteen minutes of the interview, the Defendant stated,

3 It's going to look like I'm a fucking Muslim terrorist, but I was just fucking  
4 with these guys. I was just toying with them. I drink beer, I drink beer  
5 every day. I do, I do everything opposite of whatever it looks like. I was  
6 just fucking with them, there's a guy, this is going to look so bad!

7 (*See Govt. Ex. 267, 268*). The Defendant continued to disclaim his involvement in  
8 any sort of terrorism or support of terrorism. Yet when he was in the privacy of his  
9 home and with the anonymity of the internet the Defendant consistently praised  
10 jihadi activities, (*See Govt. Ex. 126, 139*), uploaded training manuals to a jihadi  
11 website, (*See Govt. Ex. 200*), and made statements on the forum of a jihadi  
12 website that included, "I fight for the cause of Allah and Islam so I fear not." (*See*  
13 *Govt. Ex. 198*).

14 During his post-arrest interview, the Defendant stated "the only reason why  
15 I talk about [Timothy McVeigh] was because that's where I learned of what ANF-,  
16 like AN-ANFO was." (*See Govt. Ex. 267, 268*). Again however, when he was in  
17 the privacy of his home and with the anonymity of the internet the Defendant  
18 consistently showed a depth of knowledge of McVeigh's philosophy, personal  
19 life, and the tactics McVeigh used to destroy the Oklahoma City federal building.  
20 (*See Govt. Ex. 146 ,85*) The Defendant went as far as to create and post a  
21 dedication video about McVeigh on YouTube. (*See Govt. Ex. 48*). The Defendant  
22 also stated, "[McVeigh's] characteristics are nearly the same as myself,  
23 physically/politically." (*See Govt. Ex. 146, Slide #121*).

24 In a third example, when asked about his "Strength of Allah" YouTube  
25 account, the Defendant again minimized his role and contradicted other evidence.  
26 During his interview, in response to a question about what he posted on his  
27 "Strength of Allah" account, the Defendant stated, "I just had one, I just had a  
28 video of, uh, I just had a video of one of my boosters." (*See Govt. Ex. 267, 268*).



1 Despite his answer that he only posted one video to the “Strength of Allah”  
2 account, the Defendant had in fact posted six videos. (*See Govt. Ex. 55-57, 59-60,*  
3 *60.1*). Each glorifying Jihad and the use of explosives. The above is only a  
4 sampling of the United States’ exhibits but it illustrates the clear contrast between  
5 what the Defendant says and does in private and what he says and does in public.  
6 On the one hand there is the Defendant during his post arrest interview minimizing  
7 and excusing his conduct. On the other had, there is a Defendant who makes  
8 extensive statements about anti-government violence and jihad—which is true?

9 Credibility and the scienter elements of the three counts are questions of  
10 fact. Questions for the jury to decide. See Tennant v. Peoria & P. U. Ry. Co., 321  
11 U.S. 29, 35 (1944)<sup>4</sup>. Questions that the jury can only decide if given the  
12 opportunity to do so. That opportunity rests on the ability of the jury to see, hear,  
13 and weigh the evidence. As indicated, the Defendant has put his intent at issue and  
14 the United States must prove intent. The Defendant’s actions and statements on  
15 the internet and to his close confidants contradict the Defendant’s statements made  
16 during his post-arrest interview. However, if the jury is excluded from evidence of  
17 the Defendant’s contradictory statements and actions there is no way for the jury  
18 to truly determine credibility. Without evidence of the Defendant’s relevant  
19 statements, there is no way for the jury to truly determine whether the Defendant  
20 truly intended his training to be used in the preparation for the use or attempted  
21 use of a weapon of mass destruction. See 18 U.S.C. § 2339A(a); see also

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23 <sup>4</sup> “It is the jury, not the court, which is the fact-finding body. It weighs the  
24 contradictory evidence and inferences, judges the credibility of witnesses, receives  
25 expert instructions, and draws the ultimate conclusion as to the facts. The very  
26 essence of its function is to select from among conflicting inferences and  
27 conclusions that which it considers most reasonable.” Tennant, 321 U.S. at 35.

1 Huddleston v. United States, 485 U.S. 681, 685 (“Extrinsic acts evidence may be  
2 critical to the establishment of the truth as to a disputed issue, especially when that  
3 issue involves the actor's state of mind and the only means of ascertaining that  
4 mental state is by drawing inferences from conduct.”).

5 With the Government’s burden of proof in mind, the United States submits  
6 the following “road map.”

### 7 **III. Road Map and Exhibits:**

#### 8 **A. Introduction:**

9 Defendant JOSEPH JEFFEREY BRICE is a twenty-two year-old single  
10 male, who was living in Clarkston, Washington, in the Eastern District of  
11 Washington. Based on the investigation, BRICE appears to be a very intelligent  
12 young man who considers himself an “expert” in manufacturing explosive devices  
13 ranging from simple pipe bombs to complicated chemical combinations. BRICE’s  
14 “expertise” is the result of his own research and trial and error.<sup>5</sup> (*See Govt. Ex. 1-*  
15 *10, 12-31, and generally 146, 150, 168, 185, 206*)

16 On May 3, 2011, BRICE was charged by Indictment with manufacturing an  
17 unregistered firearm (destructive device), in violation 26 U.S.C. § 5861(f), on  
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19 <sup>5</sup>BRICE’s expertise in the manufacturing of explosive devices was gained  
20 through research and his own experience, which is relevant to all three charged  
21 offense. In Count One, the United States must prove that BRICE manufactured a  
22 destructive devise. In Count Two, the United States must prove that BRICE  
23 distributed information pertaining to the manufacture or use of an explosive,  
24 destructive device, or weapon of mass destruction. In Count Three, the United  
25 States must prove that BRICE attempted to provided training or expert advice or  
26 assistance related to the use, threatened use, or attempted use of a weapon of mass  
27 destruction.  
28

1 April 18, 2010. The charge arises out of an incident in Whitman County, in the  
2 Eastern District of Washington, where an eight-pound Acetone Peroxide  
3 Ammonium Nitrate (“APAN”) bomb BRICE manufactured prematurely detonated  
4 after BRICE “lit” the fuse, but before BRICE could get away from the blast area.  
5 (*See Govt. Ex. 4-10, 12-20, 24-31, 150, 267-269*). Due to BRICE’s sustaining of  
6 severe, life-threatening injuries, and a perception by the Whitman County Sheriff’s  
7 Office that BRICE “learned his lesson,” BRICE was not prosecuted by the state  
8 for manufacturing, possessing, or detonating the improvised explosive devise  
9 (“IED”).

10 Law enforcement interest in BRICE was renewed, however, in January  
11 2011, based on two coincidental occurrences. First, the Federal Bureau of  
12 Investigation (“FBI”) received a tip that in December 2010 someone had posted  
13 alarming, explosive-related and jihad-related videos on a YouTube channel named  
14 “StrengthofAllah.” (*See Govt. Ex. 11*) Based in part upon the YouTube videos, the  
15 FBI Spokane Resident Office and Inland Northwest Joint Terrorism Task Force  
16 (“INJTTF”) initiated an investigation of BRICE as a potential supporter of  
17 terrorist activity. Second, on January 17, 2011, local Spokane, Washington, law  
18 enforcement discovered an IED in an “abandoned” backpack that had been  
19 strategically placed along the Martin Luther King Day Parade route (hereinafter  
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1 “MLK-IED incident”).<sup>6</sup> Initially, BRICE was included (but ultimately ruled out)  
2 as a possible suspect in the MLK-IED incident.<sup>7</sup>

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5 <sup>6</sup>On January 17, 2011, in Spokane, Washington, an IED was located in an  
6 “abandoned” backpack along the route of the annual Martin Luther King Day  
7 parade. The device (hereinafter “MLK-IED”) was set to detonate in a manner that  
8 would most likely have cause severe (if not fatal) injuries to parade participants  
9 who happened to be near the MLK-IED at the time of the intended detonation.  
10 Fortunately for the parade participants, the backpack was discovered and disarmed  
11 prior to detonation. The discovery of the MLK-IED resulted in an intensive  
12 federal, state, and local law-enforcement effort to investigate every lead related to  
13 bombs, bomb-making, domestic terrorism, and radical hate-groups.

14 <sup>7</sup>The concurrent timing of this investigation and the MLK-IED investigation  
15 is significant. While it is clear that BRICE was not involved in the activities  
16 conducted by Kevin Harpham (ultimately convicted of attempted use of a weapon  
17 of mass destruction, in violation of 18 U.S.C. § 2332a), the existence of the highly  
18 publicized case becomes relevant in this case for two reasons. First, on March 29,  
19 2011, INJTTF Task Force Officer (“TFO”) J.C. Collins interviewed BRICE under  
20 the ruse that he had initially been under surveillance as a result of the MLK-IED  
21 incident. After TFO Collins explained to BRICE that he was not a suspect, BRICE  
22 confessed to having manufactured the destructive device that caused his injuries  
23 on April 18, 2010, and provided statements relevant to his own expertise in  
24 explosives, destructive devices and weapons of mass destruction. Second, during  
25 his post-arrest interview with FBI SABT McEuen and FBI SSA Harrill, BRICE  
26 made comments that he was not Kevin Harpham. As such, references to the  
27 concurrent, but ultimately unrelated Harpham case are inextricably intertwined  
28 with the evidence of how the investigation became focused on BRICE *and*

1 As the combination “StrengthofAllah / MLK-IED” investigation progressed,  
2 evidence of BRICE’s online activity and conversations through social media  
3 became more alarming to the FBI-INJTTF investigating agents. (*See generally*  
4 *Govt. Ex. 32-192, 206-211*). The FBI and INJTTF concluded that BRICE had not  
5 “learned his lesson,” as the Whitman County Sheriff’s Office initially opined.  
6 Rather, it became clear that BRICE began to see himself as a self-taught,  
7 experienced, expert in manufacturing IEDs. (*See generally Govt. Ex.146, 150,*  
8 *168, 185, 206*). Since his near fatal incident on April 18, 2010, BRICE, previously  
9 a self-declared, conservative, right-wing Christian, also *appeared* to undergo a  
10 “rapid radicalization” to Islam. (*See Govt. Ex.146*)

11 As the investigation progressed, FBI conducted a substantial review of  
12 BRICE’s online activity and conversations dating from 2009 to May 9, 2011,  
13 which evidenced BRICE’s on-going interest in explosives, interest in Islamic  
14 jihad, (*See Govt. Ex.146*), and his desire to provide his expertise in explosives to  
15 other known, discrete individuals and unknown persons who might receive his  
16 information through public and private internet websites. (*See Govt. Ex. 146, 168,*  
17 *185, 193*).

18  
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23 inextricably intertwined with BRICE’s own confessions. The United States  
24 submits that references to the Kevin Harpham matter are not unduly prejudicial as  
25 clear testimony that BRICE was not associated or connected in any manner to  
26 Kevin Harpham and typical Ninth Circuit jury instructions indicating that BRICE  
27 is not on trial for the acts of other persons should eliminate any inaccurate  
28 inferences.

1 On Sunday, May 8, 2011, BRICE engaged in an online conversation<sup>8</sup> with  
 2 an FBI online covert employee (“OCE”), during which BRICE provided his  
 3 expertise in manufacturing APAN explosives to a person he believed was a jihad  
 4 terrorist planning retaliation for the elimination of Usama Bin Laden. On  
 5 Monday, May 9, 2011, BRICE was arrested on the Sealed Indictment. BRICE  
 6 waived his right to counsel and voluntarily participated in an approximate four-  
 7 hour interview with FBI SALT McEuen and FBI SSA Harrill.<sup>9</sup> (*See Govt. Ex.*  
 8 **267, 268**).

9 On June 21, 2011, BRICE was charged by Superseding Indictment with:  
 10 manufacturing of an unregistered firearm (destructive device), in violation of 26  
 11 U.S.C. § 5861(f) (Count One); providing instruction on explosive devices, in  
 12 violation of 18 U.S.C. § 842(p) (Count Two); and attempting to provide material  
 13 support to terrorists, in violation of 18 U.S.C. § 2339A (Count Three).

## 14 **B. Manufacturing/Detonation of Destructive Device: April 18, 2010**

### 15 **1. Whitman County IED Explosion:**

16 Whitman County<sup>10</sup> Sheriff's Office Deputy Brian Keller reported, in incident  
 17 report number 10-S1038 that, on April 18, 2010, at approximately 4:16 p.m.,  
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19 <sup>8</sup>The actual time period in which BRICE and the FBI OCE were in  
 20 communication was from May 1, 2011, to May 8, 2011. As set forth *infra*, the  
 21 communications started through the Deen Al Haq website and culminated with  
 22 direct email conversations between the FBI OCE (a/k/a “Abu Harith”) using  
 23 <[abuharith1978@gmail.com](mailto:abuharith1978@gmail.com)> and “Yusuf” (a/k/a BRICE) using  
 24 <[allahguidance@gmail.com](mailto:allahguidance@gmail.com)>.  
 25

26 <sup>9</sup>The validity of BRICE’s Fifth and Sixth Amendment waiver and the  
 27 voluntary nature of his post-arrest statement has been previously litigated.

28 <sup>10</sup>Whitman County is located in the Eastern District of Washington.



1 Alyssa Pittman ("Pittman") called into to law enforcement that there was a  
2 firearms accident on SR193 at approximately Mile Post 1<sup>11</sup>. At the scene, Pittman  
3 reported that she was the girlfriend of JOSEPH JEFFEREY BRICE. BRICE was  
4 conscious<sup>12</sup> when law enforcement arrived and reported that he filled a paint can  
5 with Tannerite<sup>13</sup> powder and wrapped the can with duct tape. BRICE was at the  
6 scene being treated by paramedics for injuries to both legs. (*See Govt. Ex. 5*).  
7 BRICE was heard stating, "What have I done to myself." BRICE stated there were  
8 no more explosives and he was just trying to get rid of what he had. Photographs  
9 were taken (*See Govt. Ex. 4-9*) and Deputy Keller collected the evidence at the  
10 scene and impounded it at the station. (*See Govt. Ex. 10*) The vehicle at the scene  
11 was Pittman's Silver 2000 VW Golf (bearing Washington license 632UIC, VIN  
12 WVWDH21J6YW6298), registered to Debra Pittman, which was searched, but  
13 nothing was taken.

14 Deputy Keller interviewed Pittman at the hospital. Pittman stated BRICE  
15 and she wanted to go shooting. According to Pittman, she picked up BRICE in  
16 her car at his house and BRICE had some targets made of Tannerite which they  
17 were going to shoot. Pittman explained that BRICE had ordered the "Tannerite"

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19  
20 <sup>11</sup> The original Whitman County Sheriff dispatch incident report stated the  
21 explosive incident occurred near Mile Post #1, however Whitman County Sheriff  
22 Deputies confirmed the post blast investigation was in fact near Mile Post #3 as  
23 identified by Federal Bureau of Investigation Special Agent Bomb Technician Lee  
24 McEuen (Spokane Resident Office).

25 <sup>12</sup> BRICE lost consciousness either at the scene or in the ambulance and did  
26 not regain consciousness for approximately 12 days.

27 <sup>13</sup> Tannerite is a "lawful" (currently unregulated/unenforced) shock sensitive  
28 explosive used in exploding firearm targets.

1 over the Internet. Pittman further told Deputy Keller that BRICE placed a quart  
2 sized aluminum can containing the explosives in her car, and they drove to the  
3 railroad tracks, where she waited while BRICE walked further and placed the  
4 explosive and used a sparkler as a fuse, lit it and it exploded as he was moving  
5 away. Pittman said the explosive was not in a bucket. She said BRICE likes to go  
6 shooting. Pittman told Deputy Keller they were going to shoot the Tannerite.  
7 However, Pittman could not explain why they didn't have any firearms with them  
8 at the time of the explosion. Pittman then changed her account, and stated they  
9 were going to light the Tannerite to detonate it. She admitted to initially reporting  
10 it was a firearms accident, explaining she was scared and did not want to get into  
11 any trouble.<sup>14</sup>

12 Jeffrey Brice, the father of JOSEPH JEFFEREY BRICE, was also  
13 interviewed and stated that BRICE likes to go shooting at the river (the location of  
14 the incident). According to Jeffrey Brice, BRICE told his father about exploding  
15 targets that his friends owned.

## 16 **2. BRICE's Admission to Manufacturing an Explosive Device:**

17 On August 14, 2010, Deputy Keller spoke with BRICE over the telephone.<sup>15</sup>  
18 BRICE stated he made the Improvised Explosive Device ("IED") out of a  
19

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20 <sup>14</sup>Alyssa Pittman is likely to be called as a trial witness. Through the  
21 discovery process, defense counsel has been advised that Ms. Pittman initially  
22 provided a false statement to Deputy Keller at the scene of the April 18, 2010,  
23 explosive incident.

24 <sup>15</sup> Due to the injuries BRICE sustained during the explosion (including  
25 severe burns to his legs, broken bones, loss of consciousness for approximately 12  
26 days, and damage to his vocal chords), Deputy Keller was not able to interview  
27 BRICE until approximately four months after the incident.  
28

1 combination of ammonium nitrate fertilizer, acetone peroxide, hydrogen peroxide  
2 and concrete bleach (a strong acid).<sup>16</sup> The IED weighed about 2.5 pounds [it may  
3 have been as much as eight pounds]. BRICE stated that he used a refrigerator in  
4 the process of making the explosives. BRICE further stated he used a gun powder  
5 charge to ignite the IED, and that he brought his girlfriend along to detonate it. In  
6 this statement, BRICE recalled lighting the fuse and concluded that something  
7 caused it to ignite unexpectedly, almost instantly. BRICE recalled noting that the  
8 explosion of the IED severely injured him, and that his shirt and pants had been  
9 blown off his person. He lost consciousness after getting into the ambulance, and  
10 recalled waking up twelve days later at Harbor View Hospital.

11 BRICE stated he has always been good at chemistry and "likes doing things  
12 like this." BRICE explained that he bought the chemicals for the IED on the  
13 Internet. (*See Govt. Ex. 1-3, 147-150*) Deputy Keller noted in his incident report  
14 that he (Deputy Keller) did not think the Whitman County Sheriff's Office would  
15 go forward with submitting criminal charges to the prosecutor because he (Deputy  
16 Keller) thought BRICE had learned his lesson the hard way.<sup>17</sup>

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18 <sup>16</sup>According to FBI SABB McEuen this combination of chemicals is used to  
19 make "TATP" explosives, and "APAN" explosives, both of which are highly  
20 unstable and have no known legal commercial use.

21 <sup>17</sup>By the time of Deputy Keller's interview, approximately four months after  
22 the incident, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF")  
23 agents assigned to the Inland Northwest Joint Terrorism Task Force ("INJTTF")  
24 had been contacted and investigated what, at the time was mistakenly believed to  
25 be a premature "tannerite" explosion resulting in BRICE's injuries. The federal  
26 agents closed the investigation. Neither the ATF nor INJTTF were advised by the  
27 Whitman County Sheriff's Office of BRICE's August 14, 2010, admission that he  
28

**C. Inland Northwest Joint Terrorism Task Force Investigation:**

In early January 2011, Federal Bureau of Investigation (“FBI”) Special Agent Bomb Technician (“SABT”) Lee McEuen and the Inland Northwest Joint Terrorism Task Force (“INJTTF”) had received alarming information concerning BRICE’s on-going interest in explosives – and what appeared to be a possible interest in Islam and jihad. FBI SABT Lee McEuen initiated an investigation of BRICE.

**1. *StrengthofAllah* YouTube Videos:**

In January 2011, FBI SABT McEuen learned that during December 2010, the “*StrengthofAllah*” YouTube channel (which is also the moniker of the user that created and used that channel) was being used to post five videos, which are described in more detail below. The YouTube profile for the *StrengthofAllah* user stated the user had joined the YouTube service on December 28, 2010, was 20 years old, and resided in the United States. (*See Govt. Ex. 32, 33, 146*) FBI SABT McEuen and FBI Intelligence Analyst (“IA”) Mark Fitterer viewed the videos. (*See Govt. Ex. 11*)

The first<sup>18</sup> video, posted by *StrengthofAllah* on January 10, 2011, was titled, “50 Kg ANFO,” with the comment, “50 Kilograms ANFO inside a small house

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had manufactured and detonated an APAN IED until after the FBI began investigating BRICE in January 2011. Although FBI SABT McEuen was aware of the April 18, 2010, incident, he was not involved in the initial investigation.

<sup>18</sup>The references to videos being the “first,” “second,” et seq., are not intended to designate which videos were chronologically posted first in time. Rather, the references as used in this pleading are simply for organizational and descriptive purposes. A sixth video was not available at that time online, but was subsequently located by a search warrant.

1 Praise be to Allah (SWT).” (*See Govt. Ex. 11, 32, 33, 146*). According to FBI  
2 SABB McEuen, the video began with a logo known to be associated with  
3 Al-Tawhid Wal Jihad (translation: “Al-Qa’ida in Iraq”) and a Nashid chant  
4 soundtrack. The video then showed a small, dark-red house along a paved street  
5 in a heavily treed location. The resultant explosion and shockwave destroyed the  
6 house and sent debris across the road before knocking the camera down. The  
7 audio and video appeared to indicate the use of explosives to destroy the house.  
8 According to FBI SABB McEuen, “ANFO” is an acronym for Ammonium Nitrate  
9 Fuel Oil explosives and the blast depicted in the video appeared to be consistent  
10 with the use of a large quantity (approximately 50 pounds or so) of such  
11 high-explosives.

12 The second and third videos titled, “.5 kg APAN” and “.3KG APAN” were  
13 posted by *StrengthofAllah* on December 28, 2010. (*See Govt. Ex. 11, 32, 33, 146*)  
14 Each of the videos began with a logo for Al-Tawhid Wal Jihad (translation:  
15 “Al-Qa’ida in Iraq”) and a Nashid chant soundtrack, followed by a small explosion  
16 on the ground. The location in both videos was the same, near a dirt access road  
17 along a river with rolling hills in the background. There were wooden fence posts  
18 along the road and debris. The author’s comment for the video titled “.3KG  
19 APAN” read, “All praise due to Allah under all conditions. Sorry about the  
20 camera work, was too close had to step back and caused bad filming.” The  
21 “APAN” videos depicted explosions of less magnitude than the first video of the  
22 50 pound charge. According to FBI SABB McEuen, APAN is an acronym for the  
23 Acetone Peroxide Ammonium Nitrate explosives, which is a sensitive improvised  
24 (homemade), and unstable high explosive, and the blast appeared to be consistent  
25 with the use of high-explosives, which was consistent with the videos’ titles. As  
26 FBI IA Fitterer viewed the “.5 kg APAN” and “.3KG APAN” videos, he observed  
27 that the location of the explosions appeared to be in the area of the Snake River,  
28

1 located near Clarkston, Washington. Upon being advised of the general location  
2 by FBI IA Fitterer, FBI SALT McEuen recalled that BRICE had been involved in  
3 an explosives detonation injury in the Clarkston, Washington, area in the Spring of  
4 2010.

5 The fourth and fifth videos were titled "shaheedan" and "zmuzh ghanian,"  
6 and were posted by the user *StrengthofAllah* on December 29, 2010. (***See Govt.***  
7 ***Ex. 11, 32, 33, 146***). Each of the videos began with a logo, comprising a map of  
8 Afghanistan with two swords and an image of the Koran. The Arabic inscription  
9 below the logo was translated to mean "the righteous religion" by FBI Language  
10 Analyst Ghassan Hajjar. The same logo was imposed in the upper left corner of  
11 the screen throughout the duration of the videos. Both videos depicted still  
12 photographs of mujahedeen and martyrs. A Nashid chant soundtrack was looped  
13 for the duration of the video. The author's comment for the video titled  
14 "Shaheedan" read "For our martyrs."

15 As of January 13, 2011, the YouTube channel, *StrengthofAllah*, and  
16 associated videos were no longer available. When FBI SALT McEuen attempted  
17 to again access the channel, a YouTube generated message stated, "This channel is  
18 no longer available because the user closed their account."

## 19 **2. *StrengthofAllah* Videos & Whitman County IED Explosion:**

20 On January 14, 2011, FBI SALT McEuen contacted Whitman County  
21 Sheriff's Office Sergeant Chris Chapman to review the aforementioned incident  
22 report 10-S1038, detailing the April 18, 2010, IED explosion that injured BRICE.  
23 Sergeant Chapman and FBI SALT McEuen reviewed the crime scene photographs  
24 (***See Govt. Ex. 4-9***), and compared the location with the previously described  
25 second and third videos depicting APAN explosions. (***See Govt. Ex. 11***). Based  
26 on his visual comparison, FBI SALT McEuen concluded that the crime scene  
27 location of the April 18, 2010, explosion, appeared to be the same location as  
28



1 depicted in the APAN videos posted on the *StrengthofAllah* YouTube channel.  
2 **(See Govt. Ex. 12-18)** FBI SABT McEuen reported that he was able to specifically  
3 identify the ground debris, ground color, wood posts, background and dirt road  
4 depicted in both the *StrengthofAllah* videos and the crime scene photographs that  
5 he obtained from the Whitman County Sheriff's Office. FBI SABT McEuen also  
6 observed numerous craters in the ground that appeared, based on his training and  
7 experience, to have been caused by the detonation of explosive devices. **(See**  
8 **Govt. Ex. 19, 20-31).**

9 **3. Grand Jury Subpoenas; Search Warrants; Pen Registers:**

10 Based on FBI SABT McEuen's training and experience, he knows that a  
11 person who chats online, posts videos online, will often have content of their  
12 interests, in this case: explosives, IED manufacturing, online research for chemical  
13 purchases in their electronic service provider data and computer. Therefore, FBI  
14 SABT McEuen continued the investigation through the execution of search  
15 warrants, grand jury subpoenas, and pen register orders on internet accounts, and  
16 cellular telephone service believed to be associated with BRICE. **(See Govt. Ex.**  
17 **32-37, 147-149, 151, 155).**

18 In aggregate, the "electronic social media" phase of FBI SABT McEuen's  
19 investigation resulted in FBI receiving an extensive amount of social media  
20 conversations involving BRICE and known and unknown individuals through  
21 email correspondence, text-messaging, and internet postings (including  
22 conversations and/or "chats") evidencing BRICE's interest with explosives **(See**  
23 **Govt. Ex. 38, 39, 41, 42, 45, 50, 55-58, 64, 67-71, 77-79, 82, 86-88, 91, 95-98,**  
24 **100, 103, 107, 109, 115, 131, 137, 138, 157, 158, 160-162, 165, 167-192, 202,**  
25 **208, 222, 224, 238, 234, 244)** (including researching on line, trial and error in  
26 manufacturing explosives, motives for using explosives (e.g. bank robbery  
27 diversion and destruction of the U.S. Courthouse in Spokane, Washington **(See**  
28

1 ***Govt. Ex. 41, 99***)), individual terrorist emulation and criticism (e.g. Timothy  
 2 McVeigh and other terrorist individuals, groups and martyrs who utilize explosive  
 3 devices (***See Govt. Ex. 40, 43, 44, 47-49, 51-53, 59-61, 66, 76, 80, 81, 83, 84, 85,***  
 4 ***89, 90, 93, 94, 99, 101, 102, 104, 105, 106, 108, 110-130, 132-136, 138-140, 143-***  
 5 ***145, 159, 163, 164, 166, 202, 211, 220, 221, 225, 226, 229-233, 237, 254-256***)),  
 6 and other violent acts (including anti-government statements (***See Govt. Ex. 41,***  
 7 ***46, 49, 54, 62, 72, 73, 75, 92, 99, 119, 122, 128, 138, 140, 141, 142, 211***). (***See***  
 8 ***also generally Govt. Ex. 146, 150, 156, 168, 185, 193, 206***). A sample of  
 9 BRICE's online social media activity and text-messaging, in the form of party  
 10 statements and inextricably intertwined and other acts evidence, as gleaned from  
 11 the search warrants and other investigative methods was provided in the First Trial  
 12 Memorandum and Second Trial Memorandum, *see* ECF Doc. 182, 185,<sup>19</sup> and  
 13 discrete references to such statements was provided in the Draft Exhibit List and  
 14 the electronic and paper copies of the exhibits. Additionally, shorthand references  
 15 to BRICE's statements have been set forth *infra* in a chronological time-line  
 16 evidencing (1) a pervasive commentary emulating and idolizing Timothy

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18 <sup>19</sup>The scope of the "electronic media" phase of the investigation pre-dates  
 19 the April 18, 2010, APAN IED detonation and continues to the execution of  
 20 federal search warrants on BRICE's residence, BRICE's parent's residence,  
 21 BRICE's vehicle, and Alyssa Pittman's vehicle on May 9, 2011. As such,  
 22 BRICE's online activity and texting encompasses evidence relevant to both the  
 23 manufacturing of explosive devices prior to April 18, 2010, which forms the basis  
 24 of Count One, and BRICE's continued interest in explosive devices and jihad  
 25 activity after the April 18, 2010, APAN IED detonation, which forms the basis of  
 26 Counts Two and Three. As such, there is considerable overlap of relevant  
 27 evidence.  
 28

McVeigh and his explosive-expertise, bravery, and political cause, which centers around BRICE making the statement on January 14, 2010, that “McVeigh’s characteristics are nearly the same as myself, physically/politically”; (2) continuous research and commentary on developing his own expertise in manufacturing explosives; (3) statements expressing his own knowledge and experience with explosives in a manner that evidences an advertisement or self-promoting of his own skills; (4) statements expressing his own self-learned knowledge of jihad including the use of arabic words in a manner that evidences an advertisement or self-promoting of his own true belief (whether actually true or not); (5) violent anti-government statements that, while “political” in nature, evidence an intent that the explosive information he provided be used against the U.S. government. (*See generally Govt. Ex. 146, 150, 152, 156, 168, 185, 193, 206*).

#### 4. Chronology of Comments:

<u>Date</u>	<u>General Content (Abbreviated)</u>	<u>Type of Statement</u>
3/1/2009	The world is not too modern to revolt	Anti-Govt.
7/29/2009	pipe bomb	Explosives
7/30/2009	"we will still be here doing domestic bombings"	Anti-Govt.
		Explosives
8/30/2009	fake ID	Explosives
9/27/2009	RF charge/rocket launcher	Explosives
10/2/2009	explosives	Explosives
10/5/2009	wires and bomb fuses	Explosives
10/25/2009	monster pipe bomb	Explosives
10/30/2009	Jon Robinson's McVeigh	McVeigh
10/30/2009	OKC coverup	McVeigh
11/6/2009	ANFO stuff	Explosives

1	11/13/2009	explosives	Explosives
2	11/14/2009	explosives	Explosives
3	11/19/2009	explosives	Explosives
4	11/21/2009	Acetone per. Bomb	Explosives
5	12/1/2009	1600 gram ...	Explosives
6	12/1/2009	channel comment re: bomb	Explosives
7	12/1/2009	McVeigh didn't want to kill kids	McVeigh
8			Anti-Govt.
9	12/2/2009	Apan 2 kg	Explosives
10	12/4/2009	"bomb them all"	Explosives
11			Anti-Govt.
12	12/4/2009	Rep. Nancy Pelosi and APAN	Explosives
13			Anti-Govt.
14	12/4/2009	explosives	Explosives
15	12/5/2009	McVeigh	McVeigh
16	12/12/2009	Any justification to kill thousands? "Yes."	McVeigh
17			Anti-Govt
18			Terrorism
19	12/13/2009	I make grenades and bombs	Explosives
20	12/14/2009	weak vote strong take action	Anti-Govt.
21	12/15/2009	don't show face on video	Explosives
22	12/16/2009	explosives	Explosives
23	12/18/2009	illegal explosive	Explosives
24	12/19/2009	TATP	Explosives
25	12/23/2009	explosive diagram	Explosives
26	12/25/2009	nearest Fed building	Explosives
27			Anti-Govt.

1	12/25/2009	we are the real chemists. It's not wise to insult us	Explosives
2			Anti-Govt.
3	12/30/2009	McVeigh and explosives	McVeigh
4			Explosives
5	12/30/2009	booster info	Explosives
6	1/3/2010	ANFO explosives	Explosives
7	1/3/2010	McVeigh should have just killed reno	McVeigh
8			Anti-Govt
9			Terrorism
10	1/4/2010	explosives info	Explosives
11	1/5/2010	explosives	Explosives
12	1/6/2010	you don't have to be tan to be Muslim	Islam
13			Jihad
14	1/8/2010	Watch my videos, followers of Islam do	Explosives
15			Jihad
16	1/9/2010	explosives	Explosives
17	1/10/2010	if you love allah watch my videos	Explosives
18			Jihad
19	1/12/2010	Don't talk about McVeigh unless you	
20		actually support. Don't be a wannabe	McVeigh
21			Anti-Govt
22			Terrorism
23	1/12/2010	TATP	Explosives
24	1/13/2010	explosives	Explosives
25	1/14/2010	pipe bomb and public reaction	Explosives

1	1/14/2010	McVeigh characteristics are nearly	
2		the same as myself, physically/politically	McVeigh
3			Anti-Govt.
4			Terrorism
5	1/15/2010	Terrista95 McVeigh	McVeigh
6			Terrorism
7	1/19/2010	20 kg anfo	Explosives
8	1/19/2010	work on bomb project	Explosives
9	1/20/2010	McVeigh	McVeigh
10	1/21/2010	McVeigh	McVeigh
11	1/22/2010	McVeigh	McVeigh
12	1/22/2010	85% nitrate	Explosives
13	1/22/2010	offer help to IRA	Explosives
14			Terrorism
15	1/22/2010	car bomb, car bomb, car bomb	Explosives
16			Terrorism
17	1/22/2010	those who cant grasp chem. Use pipe bombs	Explosives
18	1/25/2010	prill	Explosives
19	1/25/2010	ANFO ratio	Explosives
20	1/27/2010	McVeigh: "US doesn't bomb radomly? Lol wow"	McVeigh
21			Anti-Govt
22			Terrorism
23	1/27/2010	never know who is plotting	Anti-Govt
24			Terrorism
25	1/30/2010	McVeigh's ideals are correct	McVeigh
26			Anti-Govt
27			Terrorism
28			



1	1/30/2010	"I just like when people can progress	
2		their knowledge of explosives"	Explosives
3	1/30/2010	FBI wont be at your door and no AN is not safe	Explosives
4	1/30/2010	OKC and ANFO	Explosives
5			McVeigh
6			Terrorism
7	1/31/2010	terrorists are kind moral people	Terrorism
8	2/1/2010	20lb bag of anfo	Explosives
9	2/1/2010	bulk AN	Explosives
10	2/3/2010	buying explosives	Explosives
11	2/4/2010	40 lb. tannerite	Explosives
12	2/6/2010	McVeigh did it because 'bullied' by the fed	McVeigh
13			Anti-Govt
14			Terrorism
15	2/7/2010	explosives info	Explosives
16	2/8/2010	photo of self	Identification
17	2/10/2010	armored car robbery	Explosives
18	2/10/2010	Someone will act soon. Trust me.	Terrorism
19	2/17/2010	bio-toxins	Terrorism
20	2/19/2010	McVeigh's philosophy	McVeigh
21			Anti-Govt.
22	2/21/2010	anfo explosives and bragging	Explosives
23	2/21/2010	"wannabe"	Explosives
24	2/22/2010	Directing people to youtube channel	
25		and McVeigh Explosives	McVeigh
26			Anti-Govt.
27			Terrorism
28			

1	2/26/2010	denial about terror	Terrorism
2	3/1/2010	knows about guns and explosives	Explosives
3	3/3/2010	McVeigh was not racist	McVeigh
4	3/4/2010	The only thing the government	
5		understands is force	Anti-Govt.
6			Terrorism
7	3/4/2010	unimpressed w. Mcveigh's results but	
8		he deserves a tribute	Explosives
9			McVeigh
10			Anti-Govt.
11			Terrorism
12	3/13/2010	fake pipe bomb	Explosives
13	3/20/2010	bomb stuff	Explosives
14	3/22/2010	info about bomb acid	Explosives
15	3/28/2010	bomb ratio	Explosives
16	3/31/2010	an powder	Explosives
17	4/4/2010	ANFO prill or powder	Explosives
18	4/7/2010	McVeigh was smart	Explosives
19			McVeigh
20			Anti-Govt.
21			Terrorism
22	4/11/2010	make some AP	Explosives
23	4/13/2010	125g of apan	Explosives
24	4/14/2010	Jersey barriers	Explosives
25			Anti-Govt.
26			Terrorism
27	4/14/2010	APAN ratios	Explosives
28			

1	4/16/2010	ANFO booster	Explosives
2	4/16/2010	Bomb post	Explosives
3	4/17/2010	OKC and ANFO	Explosives
4			McVeigh
5			Anti-Govt.
6			Terrorism
7	4/17/2010	OKC coverup talk	McVeigh
8			Anti-Govt.
9			Terrorism
10	8/21/2010	learning farsi	Jihad
11			Terrorism
12	9/16/2010	reading the quran	Islam
13			Jihad
14	9/23/2010	policies are criminal	Anti-Govt.
15	9/23/2010	message to banibaker re: "trasition from	
16		knowledge to action?"	Terrorism
17	10/11/2010	muslim, yet racist	Islam
18	10/23/2010	McVeigh	McVeigh
19	10/29/2010	prill	Explosives
20	10/29/2010	PETN	Explosives
21	10/29/2010	bomb comment re: times square bomber	Explosives
22			Terrorism
23	11/1/2010	McVeigh	McVeigh
24	11/1/2010	McVeigh	McVeigh
25	11/6/2010	ANFO	Explosives
26	11/9/2010	christians are pagans	Islam
27			Jihad
28			

1	11/10/2010	Islam is the light	Islam
2	11/12/2010	terrorists are intelligent	Terrorism
3	11/12/2010	read the quran	Islam
4			Jihad
5	11/15/2010	Life is your gift from allah so do your duty	Jihad
6			Terrorism
7	11/16/2010	I support muslims fighting	Jihad
8			Terrorism
9	11/21/2010	Read the quran	Islam
10			Jihad
11	11/21/2010	Kill the little ones	Jihad
12			Terrorism
13			Violence
14	11/24/2010	Islam is truth	Islam
15	11/24/2010	Alhamdulillah	Islam
16			Jihad
17			Terrorism
18	11/27/2010	"wannabees" re: tree lighting ceremony	
19		bombing terrorist	Anti-Govt
20			Jihad
21			Terrorism
22	12/1/2010	Youtube user converts	Islam
23	12/4/2010	christians are pagans	Islam
24	12/7/2010	Islam is the light	Islam
25	12/8/2010	entrapment (re: arrest of bomb plotters)	Explosives
26			Terrorism
27			
28			

1	12/9/2010	I will take the challenge in response to	
2		request to kill all the Jews, their families	
3		and babies.	Anti-Govt.
4			Terrorism
5	12/10/2010	russian helicopter	Jihad
6	12/10/2010	fucking kuffar	Jihad
7	12/10/2010	allahu akbar	Jihad
8	12/10/2010	theological debate/denouncing christianity	Islam
9	12/13/2010	nato troops killed	Jihad
10	12/13/2010	McVeigh watched ruby ridge	McVeigh
11			Anti-Govt.
12	12/14/2010	Chslosers commented on	
13		Rzaforshiza McVeigh video	McVeigh
14	12/16/2010	allahu akbar	Jihad
15			Terrorism
16	12/16/2010	Nusantarean	Jihad
17			Terrorism
18	12/18/2010	posted docs to forum	Jihad
19			Terrorism
20	12/21/2010	hand-2-hand combat	Jihad
21	12/22/2010	OKC McVeigh	McVeigh
22	12/23/2010	AN explosive	Explosives
23	12/23/2010	terrorists use homemade explosives	Explosives
24			Terrorism
25	12/26/2010	kuffar	Jihad
26			Terrorism

1	12/26/2010	german and arabic	Jihad
2			Terrorism
3	12/26/2010	insha'Allah	Jihad
4			Terrorism
5	12/26/2010	allahu akbar This chechnya?	Jihad
6			Terrorism
7	12/26/2010	german and arabic are the laguage of jihad	Jihad
8			Terrorism
9	12/27/2010	Bragging about bombs and his scars	Explosives
10	12/27/2010	Bomb and bragging about his scars	Explosives
11	12/28/2010	posted youtube link	Explosives
12			Jihad
13			Terrorism
14	12/29/2010	jazak allah	Jihad
15			Terrorism
16	12/29/2010	fuse info	Explosives
17	12/29/2010	jazak allah khair	Jihad
18			Terrorism
19	12/29/2010	make dua (pray for terrorists)	Jihad
20			Terrorism
21	1/7/2011	explosives are easy to acquire	Explosives
22	1/8/2011	one more dead kuffar	Anti-Govt
23			Jihad
24			Terrorism
25	1/8/2011	glad she was shot (Giffords)	Anti-Govt.
26			Terrorism
27			
28			



1	1/10/2011	fight for allah	Jihad
2			Terrorism
3	1/11/2011	"better to drown a puppy.." re: giffords	Anti-Govt.
4	1/12/2011	watch my bomb videos	Explosives
5	1/12/2011	"this was nothing" re: pipe bomb v. leg	Explosives
6	1/12/2011	AZ shooter could make bombs	Explosives
7	2/4/2011	allah akabar	Jihad
8			Terrorism
9	2/25/2011	bomb stuff	Explosives
10	3/10/2011	kuffar/member of islam sites	Jihad
11			Terrorism
12	3/13/2011	may allah bless them (bahrain protests)	Jihad
13	3/24/2011	"black man told me to find god"	
14		(conversion to Islam)	Islam
15	4/2/2011	long paragraph about islam	Islam
16	4/28/2011	inspire 5 (Al Quada magazine posted by Brice)	Jihad
17			Terrorism
18	4/29/2011	Injury / medical marijuana	Identification
19	5/2011	medical care for wounded terrorists	Jihad
20	5/1/2011	McVeigh and Islam	McVeigh
21			Jihad
22			Terrorism

On February 16, 2011, FBI SALT McEuen received a response from Google regarding a federal search warrant for the records Google had regarding the e-mail account joeybrice55@gmail.com, rzaforshiza@gmail.com and strengthofallah@gmail.com. (*See Govt. Ex. 32, 33*)

As of January 2011, the Google usage logs showed strengthofallah@gmail was accessed by the IP address 24.117.1.73 and 74.112.57.173. As of January 2011, the IP usage logs showed joeybrice55@gmail.com was using the IP address 24.117.1.73 and 24.112.57.173. The same IP addresses (24.117.1.73) were associated with all the e-mail addresses. The YouTube username "Chslosers" was registered with the e-mail account joeybrice55@gmail.com and in January 2011, used the IP address 24.117.1.73. The YouTube username Newspeakgeneration was registered with the e-mail account strengthofallah@gmail.com on December 28, 2010, again using the IP address 24.117.1.73. The YouTube username TheRazaforshaza was registered with the e-mail account rzaforshiza@gmail.com on December 14, 2010, using the IP address 24.117.1.73. FBI SALT McEuen searched ARIN (IP address registry) and learned the following: IP address 24.117.1.73 is owned by Cable One, Inc. 1314 N. Third St. First Floor, Phoenix, AZ 85004.

#### **5. Pen Register and Trap and Trace Devices and Followup Investigation**

On March 1, 2011, an internet pen register and trap and trace order was served upon Cable One for the address of 538 Riverview Blvd #3 Clarkston, WA. On May 4, 2011, FBI Special Agent ("SA") Norma Loza<sup>20</sup> reviewed the last previous 30 days of the Pen Trap/Trace activity associated with IP address 24.116.122.254, (supplied by Cable One in response to the order on 538 Riverview Blv. #3, Clarkston, WA, the residence of Joseph Brice.) FBI SA Loza observed contact between IP address 24.116.122.254 and 188.241.116.95 on the following days; April 6, 7, 9, 15, 17, 18, 20, 22, 23, 24 and April 26 thru May 1,

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<sup>20</sup>FBI Special Agent ("SA") David Whitlow also reviewed the pen register and trap and trace data.

1 2011. FBI SA Loza directed her internet browser to IP address 188.241.116.95  
2 and determined it was a web site known as "Deen Al Haq".<sup>21</sup> (*See Govt. Ex. 193*)

3 On this website, FBI SA Loza observed a web page that contained two  
4 crossed swords and two men whose faces were obscured by scarves; one of the  
5 men was holding a rocket propelled grenade launcher on his shoulder. The page  
6 also contained images of holy sites in Mecca. FBI SA Loza clicked on the "Join"  
7 button, and was informed that only registered users can post messages. The page  
8 also provided criteria to register included a required reference. FBI SA Loza then  
9 clicked on the "Welcome" button and was directed to a page with the words  
10 "Islamic Caliphate" written across what appeared to be a map of the Middle East.  
11 Under the map was a photo of men wearing scarves over their faces; some of these  
12 men were holding weapons. The caption stated, "Allah grants a respite to the  
13 oppressor, but when he finally seizes him, he will not let him escape." The second  
14 picture changes back and forth from a map of what appears to be the Middle East  
15 to a picture of Usama Bin Laden. There was an "English Section" button which  
16 FBI SA Loza clicked. FBI SA Loza then saw the following forums listed:

17 "General Discussion";

18 "Jihad in Afghanistan and Pakistan,"

19 "Sharia," Islam in the West";

20 "Jihad News"; and

21 "Pictures and Videos."

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22  
23  
24 <sup>21</sup>According to FBI Intelligence Analyst Fitterer, the "Deen al-Haqq"  
25 website is a password-protected extremist forum. As stated *infra*, the Deen Al  
26 Haq website is significant and inextricably intertwined with Counts Two and  
27 Three.  
28

1 The page stated there were 888 posts under the English section, but the posts were  
2 not observable to those who had not registered, and were listed as, "Private."

3 On March 1, 2011, a pen register and trap and trace order was served upon  
4 Cable One for the Internet Service Account registered to the address of 1748  
5 Westwood Dr., Clarkston, WA. On May 4, 2011, SA Norma Loza reviewed the  
6 last 30 days of the Pen Trap/Trace activity associated with IP address  
7 24.117.126.20, (supplied by Cable One in response to the order on 1748  
8 Westwood Dr., Clarkston, WA.) FBI SA Loza observed contact between IP  
9 address 24.117.126.20 and 188.241.116.95 (the previously described "Deen Al  
10 Haq" web site) on April 6, 2011, and April 11, 2011.

11 On May 5, 2011, FBI SALT McEuen reviewed the internet pen register trap  
12 and trace activity for the Internet Service Account registered to 1748 Westwood  
13 Dr., Clarkston, WA. On March 4, 2011, the IP assigned to the modem at that  
14 address was 24.117.1.73 and IP remained to be 24.117.1.73 until approximately  
15 March 21, 2011. As stated above, 24.117.1.73 was associated with most of Joseph  
16 Brice's Internet accounts, as evidenced through registration, usage, or both.

#### 17 **6. Microsoft Search Warrant:**

18 During the investigation, Joey\_brice@hotmail.com<sup>22</sup> was located by FBI  
19 Intelligence Analyst ("IA") Fitterer as using the screen name "Joey", identified as  
20 a "super moderator" on The Young News Channel ("YNC"). (*See Govt. Ex. 209*)  
21 The YNC is a public internet video sharing service that caters to users that wish to  
22  
23  
24

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25 <sup>22</sup>According to FBI SALT McEuen, gmail.com accounts are provided by  
26 Google, and that YouTube is a subsidiary of Google Inc. Hotmail.com accounts  
27 are provided by the Microsoft corporation.  
28

1 post extreme pornographic and violent video content.<sup>23</sup> Users can also post  
2 messages to the YNC service. "Joey" posted on the YNC over 1,869 times, and  
3 identified himself as from Washington state. (*See generally Govt. Ex. 152 (slides*  
4 *18, 19, 20), 206, 208-211*). On July 23, 2010, "Joey" posted to a thread titled "Is  
5 this website illegal". On May 30, 2010, "Joey" posted to the thread, "Joey had an  
6 accident...talked to him Today Sunday May 30th." (*See Govt. Ex. 208*). The  
7 posting stated, " Thanks everyone I've been in the hospital for a month and a few  
8 days now and I am heading to a semi-rehab Tuesday to learn to stand again...The  
9 explosive was about 8 lbs of fertilizer mixed with aluminum. The charge that  
10 detonates the fertilizer was sparked early and went off as I was jogging away. The  
11 force broke my right leg and many of the other wounds are from shrapnel." On  
12 December 18, 2010, "Joey" posted to a thread titled, "Suicide bomb aftermath- 22  
13 killed," attaching an image, depicting the aftermath of a suicide bombing in  
14 Quetta, Pakistan, in which mutilated bodies were visible. (*See Govt. Ex. 211*).

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17 <sup>23</sup>Evidence related to BRICE's interest in, and statements made through, the  
18 Young New Channel website is relevant to the element of BRICE's state of mind  
19 in terms of the fact that the information or expertise he was providing was to be  
20 used in a violent manner against other persons. As such, his interest in violent  
21 conduct and the visual images of violent conduct depicted on the Young News  
22 Channel is relevant to his motive to provide information or expertise in  
23 furtherance of the potential use of a weapon of mass destruction. Additionally,  
24 some of BRICE's statements and posting on the Young News Channel are  
25 evidence of his own manufacturing of the destructive device that resulted in his  
26 injuries and his interest in jihad, which is relevant to his intent to provide material  
27 support to terrorists.

On December 7, 2010, the YNC service contained a message thread titled: "make bomb in kitchen of your mom Al Qaeda releases INSPIRE, an Jihadi magazine." (*See Govt. Ex. 210*). On this thread, "Joey" posted, "Exclusive interview with Abu Basir Mujahideen 101 are a few of the featured articles...I will try to find more links if anybody cares to look through them. I got this link off a Jihad website but all the other links for the other issues don't work." In this posting, "Joey" inserted a hyperlink to the INSPIRE magazine internet address, which would enable the download of the magazine content. (*See Govt. Ex. 202*). According to FBI SALT McEuen, al-Qaeda linked INSPIRE magazine frequently contains instructions and information on how to make explosives, use them as destructive devices and weapons of mass destruction, and provides guidance on how to place those devices in support of violent jihad.

#### 7. Google Search Warrant:

On February 2, 2011, a search warrant was served upon Google for the account contents of *StrengthofAllah* YouTube channel. (*See Govt. Ex. 32-36, 146*). On March 14, 2011, Google responded with the following information; The e-mail address associated with the account was strengthofallah@gmail.com; as explained *supra*, strengthofallah@gmail.com was registered to Joey BRICE. The usage logs, video posts and IP address used to create the account was 24.117.1.73. The posted videos included 50 Kg ANFO, Blessed Chechen Mujahedeen attacked by pro-Russian Forces and Kadyrov, Shaheedan, Zmuzh Ghazian, .3 KG APAN, .5 KG APAN, and blessed Chechen. (*See Govt. Ex. 146*). This content consisted of the same videos as described *supra*, in addition to other content.<sup>24</sup> On February 2, 2011, a search warrant was served upon Google for the account contents of rzaforshiza@gmail.com. On March 14, 2011, Google responded with the

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<sup>24</sup>See generally ECF Doc. 182 (First Trial Memorandum).

1 following noted information; rzaforshiza@gmail.com was used to create the user  
 2 *Therzaforshiza* on December 14, 2010, using the IP address 24.117.1.73 (the same  
 3 IP address as Brice used above), and which the Defendant used to make statements  
 4 through the social media of YouTube by the user *Therzaforshiza*.<sup>25</sup> Google also  
 5 provided private messages from *Chslosers* (as explained above was registered  
 6 from the e-mail account joeysbrice55@gmail.com). See ECF Doc. 182 (sample).  
 7 Google also provided private the account contents of *rzaforshiza*.

8 In response to a search warrant to Google Inc., for account content of  
 9 joeysbrice55@gmail.com, to which Google responded with additional statements  
 10 by the Defendant and the following information:

11 **August 19, 2010:** From Paypal.com to "Timothy McVeigh  
 12 joeysbrice55@gmail.com, the shipping address was listed as Timothy  
 13 McVeigh, 1749 Westwood Ct., Lewiston, ID., Telephone number (509)  
 552-0072, the purchase was for electronic access, so no actual physical  
 delivery was to occur.

14 On February 22, 2011, FBI SALT McEuen went to the YouTube channel  
 15 *Newspeakgeneration* via Google cache and viewed the screen snapshot of the site  
 16 as of February 20, 2011. There was a video title posted, "I found a FBI or ATF  
 17 tracking device on my vehicle ! Real.." It was uploaded by the user  
 18 *Newspeakgeneration* on February 19, 2011, along with the comment, "So recently  
 19 there was a bomb scare at a MLK day parade, the FBI has expanded their search to  
 20 my area. For some reason they have singled out myself. Email me at  
 21 rzaforshiza@yahoo.com." The user profile listed the age as 32 and the join date as

22  
 23 <sup>25</sup>Additional *Therzaforshiza* postings (including *Therzaforshiza* YouTube  
 24 videos which were uploaded from IP 24.117.1.73 and contained the two titles,  
 25 "500g APAN Booster" and "Timothy McVeigh Oklahoma City Bombing  
 26 Dedication") have been previously noted in the First Trial Memorandum. See  
 27 ECF Doc. 182. (***See Govt. Ex. 146***).



1 February 15, 2011. According to FBI SALT McEuen, FBI agents had placed a  
2 GPS tracker on BRICE's dark green Jeep Cherokee (Washington license plant  
3 number 507ZGZ) vehicle. BRICE apparently discovered the tracker, turned the  
4 device in to the Clarkston Police Department, and made a police report. FBI  
5 SALT McEuen obtained a copy of the police report, Incident number 11P00765,  
6 dated February 13, 2011. In the report, BRICE stated his telephone number was  
7 (509) 758-1971 and cell number (509) 552-0072. BRICE stated he found the  
8 tracker under his dark green Jeep Cherokee, (BRICE did not have his vehicle with  
9 him, could not provide the license plate for it, and stated the registration return  
10 does not list a registered owner).

11 During the investigation, search warrants were served upon Inland Cellular  
12 for account information and text messages from or to (509) 552-0072, the  
13 telephone number that BRICE had provided to the Clarkston Police Department  
14 on (or about) February 13, 2011. Inland Cellular responded with text messages  
15 sent from and received by (509) 552-0072.<sup>26</sup> (*See Govt. Ex. 147-150*).

16 In addition to specific, discrete text message conversations depicted in the  
17 First Trial Memorandum, according to FBI SALT McEuen, a review of the text  
18 messaging occurring to and from (509) 552-0072, revealed that in late January  
19 2010, BRICE exchanged seven calls and 22 text messages with the owner (a/k/a  
20 "Smith") of a Maryland business, which sold ammonium nitrate and the chemicals  
21 to construct exploding targets utilizing tannerite. (*See Govt. Ex. 1-3, 150*).  
22 BRICE indicated he was looking to obtain some product for his "boss" and asked,  
23 "if he could order with cash through the mail. He doesn't want any paperwork."  
24 Smith asked BRICE for an identification and BRICE responded: "Its [sic] not  
25 possible to do without id though? We try to stay as anonymous ar [sic] possible. I  
26

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27 <sup>26</sup>See generally ECF Doc. 182 (First Trial Memorandum).  
28

1 figured extra cash for your trouble." Smith agreed and asked Brice what he was  
2 looking to purchase. BRICE indicated, "One bulk 20 lbs." Several days later,  
3 Smith replied indicating, "Money is here I have a tracking #  
4 1ZA1483Y0393296040. It's already packed and will go out today. Thanks for the  
5 business!! Hope you buy from me later on!" On May 17, 2011, the owner (a/k/a  
6 Smith) of the business was interviewed by the FBI and confirmed, with  
7 documentation, BRICE's purchase of 20 pounds of ammonium nitrate, a key  
8 component in Brice's explosive devices.

9 On February 4, 2011, FBI obtained a search warrant of the Microsoft  
10 Corporation for the account information and content of joey\_brice@hotmail.com.  
11 Microsoft responded on February 18, 2011. (*See Govt. Ex. 151, 152*). In  
12 accordance with the U.S. Magistrate Court's instructions, a second warrant was  
13 requested when indicia of additional criminal activity was noted. This additional  
14 warrant was authorized on March 11, 2011. The following registration  
15 information was received: login, Joey\_brice@hotmail.com, registration date  
16 March 10, 2002, X-box subscription information, joey BRICE (509) 758-1971  
17 1748 Westwood Dr., Clarkston, WA. In addition to joey\_brice@hotmail.com  
18 references previously set forth *supra* and in the First Trial Memorandum, *see* ECF  
19 Doc. 182, (*See Govt. Ex. 154*), the following e-mails were noted in the saved  
20 folder of the account:

21 **April 12, 2010:** from Joe Unknown <joey\_brice@hotmail.com> to  
22 brady\_zachow@hotmail.com, Subject zion job, File Attachment "Zion Job".  
23 The attachment described in detail and with annotated photographs how  
24 Brice and Zachow would rob the Zion Bank including, "I suggest reporting  
25 a bomb threat and make real explosives although there won't be an active  
26 trigger detonator. Unconnected wires will be fine. We will leave the  
27 container on school property preferably in the mid orchards as to not have  
28 the downtown cops remain while getting the orchards police to also go to  
the bomb threat scene."..."I will need your rifle support though because if  
someone makes a grab for my gun while getting the money out of drawers  
we will have to kill someone."..."I suggest we do it on the 30th, most  
people get paid on the 15th/30th of the month. April 30th is a Friday so

1 there will be a lot of cash coming in." [April 18th was the day Brice was  
2 injured by his IED.]

3 *(See Govt. Ex. 152, 153).*

4 **8. Initial INJTTF Online Undercover Contact with BRICE:**

5 On March 30, 2011, an FBI online covert employee ("OCE") requested an  
6 account on Deen al-Haqq using the online moniker "Abu Harith" and email  
7 account Harith1978@gmail.com. *(See generally Govt. Ex. 193).* The account was  
8 activated several days later, and the FBI- OCE conducted a review of postings by  
9 username "Yusuf90," known to be associated with BRICE. *(See Govt. Ex. 194)*  
10 The following information was noted:

11 **December 21, 2010:** Yusuf90 (b/t/b BRICE) created a thread titled,  
12 "Guerilla strategies, explosives guides, general Jihad articles" in the  
13 "General Discussion" forum on Deen al-Haqq. The posting stated,  
14 "All praise is to Allah. Guide us on the path to righteousness, we ask  
15 of thee. Amen."

16 According to the FBI-OCE, the above-referenced posting included 13  
17 hyperlinks to files on the website www.mediafire.com, an online media sharing  
18 service. At least eight files were password protected and Yusuf90 (b/t/b BRICE)  
19 provided the password to access the files in his posting. *(See Govt. Ex. 195, 196)*  
20 The files included:

- 21 • Basic Guide Ammonium Nitrate-Nitro Methane
- 22 • Clandestine organization guide
- 23 • How to kill military tanks
- 24 • Fuel-Air-Explosives
- 25 • Chemistry of PETN explosive
- 26 • Personal self contained explosive container
- 27 • Undercover operations manual for police

- 1 • Wilderness living guide
- 2 • Make a Zip gun
- 3 • Criminal rules and rights
- 4 • Engineering-Fluid Dynamics
- 5 • Guard Dog Training
- 6 • 500g APAN Charge, good for use as booster in large
- 7 explosives.

8 The FBI received a search warrant return from Mediafire for the aforementioned  
9 files and reviewed the files for content. (*See Govt. Ex. 155*). Additionally, the  
10 OCE accessed the files on the Mediafire website and downloaded most of the  
11 aforementioned files. The following information was noted:

- 12 • Basic Guide Ammonium Nitrate-Nitro Methane: A three-page  
13 instruction manual with pictures on how to manufacture improvised  
14 Ammonium Nitrate Nitro Methane (ANNM) explosives. The manual  
15 included instructions on how to manufacture Acetone Peroxide and  
16 Hexamethylene Triperoxide Diamine (HMTD) improvised explosives  
17 for use as an improvised blasting cap for the ANNM. The file was  
18 password-protected. (*See Govt. Ex. 157*)
- 19 • Clandestine organization guide: A 43 page manual, which provided  
20 detailed information on how to set up a secret cell structure,  
21 surveillance techniques, counter surveillance, clandestine  
22 communications, and minimizing failure. The file was  
23 password-protected. (*See Govt. Ex. 158*)
- 24 • How to kill military tanks: A 31 page document, which appeared to  
25 be a military manual descriptive of the title. (*See Govt. Ex. 159*)
- 26 • Fuel-Air-Explosives: A series of five documents comprised of  
27 United States patents for fuel air explosives, including the chemical  
28

1 composition of those explosives. The files were password-protected.  
2 **(See Govt. Ex. 160)**

- 3 • Chemistry of PETN explosive: A five-page article on how to  
4 manufacture Pentaerythritol Tetranitrate (PETN) explosives. The file  
5 was password-protected. **(See Govt. Ex. 161)**
- 6 • Personal self contained explosive container: A five-page United  
7 States patent (#4,920,852), dated May 1, 1990, which provided  
8 instructions for a portable, self contained unit for transporting and  
9 mixing ingredients to form a fluid explosive. The file was  
10 password-protected. **(See Govt. Ex. 162)**
- 11 • Undercover operations manual for police: A 374 page training  
12 manual for UNDCP law enforcement undercover operations. The file  
13 was password-protected marked "Restricted For Law Enforcement."  
14 **(See Govt. Ex. 163)**
- 15 • Wilderness living guide: An 84 page article, which included topics  
16 such as: caches, resupply systems, evading pursuit, covert signals,  
17 firearms for survival, and camouflage, among other topics.
- 18 • Make a Zip gun: A six-page article on how to make improvised  
19 firearms. **(See Govt. Ex. 164)**
- 20 • Criminal rules and rights: This document was not included in the  
21 search warrant return from Mediafire.
- 22 • Engineering-Fluid Dynamics: A 276 page article published on August  
23 26, 1999 by the NASA Ames Research Center. The article contained  
24 mathematical equations regarding fluid dynamics. **(See Govt. Ex.**  
25 **165)**

- 1 • Guard Dog Training: A 512 page book regarding the Koehler method
- 2 of guard dog training. The file was password-protected. (*See Govt.*
- 3 *Ex. 166*)
- 4 • 500g APAN Charge, good for use as booster in large explosives: A
- 5 14 second video, which depicts an explosion and resulting crater at
- 6 Brice's explosives range. (*See Govt. Ex. 167*)

7 **December 26, 2010:** an individual created a thread titled, "I'm a Proud  
 8 Terrorist" in the English Section "General Discussion" forum on Deen  
 9 al-Haqq. (*See Govt. Ex. 199*) [According to the FBI OCE, the posting  
 10 described the arrest of a former policeman claiming links to the Al Qaeda  
 11 terror network who provided weapons, ammunition, and basic military  
 12 training to members of an outlawed terrorist group for jihad (holy war). The  
 13 posting indicated the former policeman had held meetings with suspected  
 14 militants and "discussed jihad against the interests of the United States,  
 15 Israel and their allies, in line with bin Laden's calls."]

16 **December 26, 2010:** Yusuf90 (b/t/b/ BRICE)<sup>27</sup> replied to the thread titled,  
 17 "I'm a Proud Terrorist," with the following posting:

18 *Strike fear into the hearts of the Kuffar namely the United*  
 19 *States and it's [sic] allies. But I call not for the lives of the*  
 20 *innocent citizens of the United States but mainly it's [sic]*  
 21 *government systems which are the real criminals. There are so*  
 22 *many ignorant Americans it's unbelievable. They don't even*  
 23 *know their own holy book,, we know theirs [sic] better than*  
 24 *they do.*

25 *Allah grants blessings to those who fight against tyranny and*  
 26 *prey on the weak.*

27 (*See Govt. Ex. 199*)

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28 <sup>27</sup>BRICE subsequently confirmed that he was in fact "Yusef90" during a  
 post-arrest interview on May 9, 2011.

1       **April 28, 2011:** Yusuf90 (b/t/b/ BRICE) replied to a thread titled, "Anyone  
2       know what happened to the Inspire 5?" in the English Section "General  
3       Discussion" forum on Deen al-Haqq. Yusuf90 (b/t/b/ BRICE) posted a  
4       hyperlink to a file on the website [www.mediafire.com](http://www.mediafire.com), which investigation  
5       revealed was the fifth edition of al-Qa'ida's Inspire Magazine.

6       **(See Govt. Ex. 200, 202).**

7       According to FBI OCE, the magazine featured articles by Shaykh Abu  
8       Hurairah, the military commander of al-Qa'ida in the Arabian Peninsula, Shaykh  
9       Anwar Al-Awlaki, and Dr. Ayman al-Zawahiri. The magazine encouraged and  
10      glamorized violent jihad, and provided instructions for conducting "Open Source  
11      Jihad."<sup>28</sup> **(See Govt. Ex. 202).**

12      **May 1, 2011:** an individual started a thread titled, "Medical Care" in the  
13      "English Section" forum on Deen al-Haqq. **(See Govt. Ex. 203)**

14      According to FBI OCE, the posting discussed acquiring blood-clotting  
15      medicine to save the lives of wounded mujihadeen. The individual provided  
16      detailed information regarding two specific blood-clotting medicines. The first  
17      was QuickClot which the individual indicated was manufactured in the United  
18      States and could not be shipped internationally. The second was Celox, which the  
19      individual indicated was manufactured in the United Kingdom. The individual  
20      acknowledged these two treatments were "from Kuffar lands," but urged others to  
21      acquire Celox to "protect and save the lives of our mujihaden [sic]." The

---

22  
23      <sup>28</sup>The fifth edition of Inspire Magazine defined "Open Source Jihad" as a  
24      resource manual for those who loath the tyrants; includes bomb making  
25      techniques, security measures, guerilla tactics, weapons training and all other jihad  
26      related materials. **(See Govt. Ex. 202).**



individual stated she was attempting to identify distributors of Celox in "Muslim lands." (*See Govt. Ex. 193, 204*)

**May 1, 2011:** Yusuf90 (b/t/b BRICE) replied to the thread titled, "Medical Care," with the following posting:

*Buying this powder in large amounts will bring unnecessary attention, even more so if it is ordered in regions where our mujahideen brothers, may Allah bless them, are fighting the occupiers. So if someone was to use this advice in order to help the Jihad movement, one would have to buy it far away and travel to deliver. These types of styptic powders can be found in most medical stores, but they are only found in small amounts.*

*I suggest calcium carbonate powder. This is used for those with weak bones and bad hearts. They are pills but if it is crushed into powder, it works the same way as this website link you have shown us. These type of medical items are less suspicious and can be bought in large amounts.*

*But one should realize that these powders will not stop the progression of an explosive injury or wound. It should only be used to temporarily stop bleeding from ammunition wounds or deep cuts until the akhi can be brought to get medical help. Infection is only a major issue when trying to use these for devastating wounds.*

*May Allah be pleased with your advice though.*

*JakakAllah khair Sister*

(*See Govt. Ex. 193*).

**May 1, 2011:** FBI OCE (a/k/a "Abu Harith") also replied to the thread titled, "Medical Care," with the following posting:

*Shukran Jazillan Ukhti for the great information, Jazaki Allahu Khayran.*

*Same for you akhi Yusuf*

*As I watch Al Jazeera everyday and see what is going on in our Umma, from Iraq to Afghanistan to Yemen, Libya, and now Syria I cannot help but think how badly needed this is. While akhi yusuf offers great alternative solutions it is very limited. We need to think of how we can work around those limitations and try to find and ship this great and well needed product to our brothers and sisters who need it most.*

1 *Let us put our heads together and find a solution and do our*  
 2 *Jihad instead of just talking about it.*

3 **(See Govt. Ex. 193).**

4 **May 1, 2011:** FBI OCE (a/k/a "Abu Harith") sent a private message to  
 5 Yusuf90 (b/t/b BRICE) titled, "Help," with the following posting:

6 *AKhi Yusuf,*

7 *Thank you again for you valuable information again. You*  
 8 *seem like a very knowledgable mujahid. You mentioned that*  
 9 *Calcium Carbonate is easily obtainable in big quantities.*  
 10 *Would please let me know where I can get it. My situation*  
 11 *allows me to travel much here in the U.S. and allows me great*  
 12 *flexibility of buying it from different states without inshallah*  
 13 *drawing attention.*

14 *Guide me to where I can get it and we can both serve our*  
 15 *brothers and the mujahideen in our struggle against the kuffar.*  
 16 *Also can I buy it online without drawing any attention? Also if*  
 17 *I do buy it online will the companies I buy it from ship*  
 18 *overseas?*

19 *I look forward to your advice*

20 *Jazak Allahu Khayran Allah, May Allah favor you in Yawm Al*  
 21 *Qiyama.*

22 *Akhook Abu Harith*

23 **(See Govt. Ex. 193).**

24 **May 2, 2011:** Yusuf90 (b/t/b BRICE) replied to the private message from  
 25 FBI OCE (a/k/a "Abu Harith") titled, "Re: Help," with the following  
 26 posting:

27 *My akhi Abu,*

28 *If you look for "calcium carbonate bulk" on search engines,*  
*you will find many places to buy up to 50 lbs. Each mujahid*  
*should have .5 kg of this crushed into smaller powder. Not too*  
*thin of powder. You take a bandage, apply on the wound, then*  
*put pressure on the wound. It will hurt very bad but so does ani*  
*septic (sic). The powder must stay clean or you will spread*  
*infection or cause healing issues. But you must remember,*  
*Allah may wish the mujahid to enter paradise so many deep*  
*puncture wounds can't not be delayed or slowed greatly. This*

*advice is only for minor rifle injury, cut injuries or explosive injuries.*

*You may translate "calcium carbonate bulk" to your native language if it helps you find it closer to your region. Do you mind if I ask where you live? You don't have to answer but if you need help I may need to know this. I am worthy of trust.*

*Do you know AllahsServant well?*

*wa'l-salaam*

**(See Govt. Ex. 193).**

**May 2, 2011:** FBI OCE (a/k/a "Abu Harith") replied to the private message from Yusuf90 (b/t/b BRICE) titled, "Re: Help," with the following posting:

*As Salamu 3alaykum Akhi Yusuf,*

*Shukran Akhi for your eagerness to help. I am sure in lieu of the yesterday's events the time to help with calcium carbonate has passed. Before we can trust you to help us we need to know about you and your expertise.*

*For security reasons all I can divulge to you is that i [sic] live in, midwest, Dar El Harb [Translation: "America"]. We need to be very careful akhi and in the future I would like to communicate through secure e-mail like gmail.*

*Regarding your other question I am not in the habit of discussing my ikhawan wa akhawwat.*

*Jazaka Allahu Kharan  
Akhook Abu Harith*

**5. Continued INJTTF Online Undercover Contact with BRICE:**

The following online conversation between the FBI OCE (a/k/a "Abu Harith") and BRICE occurred between May 3, 2011, and May 8, 2011.

**May 3, 2011:** FBI OCE (a/k/a "Abu Harith") sent an additional reply to the private message from Yusuf90 (b/t/b BRICE) titled, "Re: Help," with the following posting:

*Akhi Yusuf,*

*I have reading your posts and it is time to act. Are you willing help.*

1 *contact me on abuharith1978@gmail.com*

2 *Jazak Allah Kheyr*

3 *Akhook Abu Harith*

4 **(See Govt. Ex. 193, 206).**

5 **May 5, 2011:** BRICE created the email account allahguidance@gmail.com  
6 and sent a message to FBI OCE (a/k/a "Abu Harith")

7 <abuharith1978@gmail.com> titled, "The Beginning," with the following  
8 posting:

9 *as-salaamu 3alaykum* [Translation: "Peace be upon you."]

10 *I am sorry it took me days to respond Akhi* [Translation:  
11 Brother] *Abu. I am also in Dar al-Harb* [Translation:  
"America; house or land of war"]

12 *Indeed, now is the time for action. But we must keep safe in this*  
13 *time as well.*

14 *Knowledge is for acting upon, so our duty as Muslims is to act*  
15 *swift and with strength.*

16 *Stay safe.*

17 *May Allah, the merciful, watch over us.*

18 *Amen* [Translation: "Amen"]

19 *Yusuf*

20 **(See Govt. Ex. 193, 206).**

21 **May 6, 2011:** FBI OCE (a/k/a "Abu Harith") <abuharith1978@gmail.com>  
22 replied to the email titled, "Re: The beginning," with the following posting:

23 *Akhi* [Translation: "brother"] *Yusuf,*

24 *Assalamu 3alaykum wa ra7matu Allahi wa barakatih.*  
[Translation: "Peace be upon you and Allah's blessing and  
25 blessings."]

26 *Thank you for the reply I was start to worry about you not*  
27 *wanting to help. Let me command you for your cautiousness*  
28 *by reaching for me on gmail, it is safest. Living in Dar El*  
*Harb* [Translation: "House or land of War"] *we have to be very*  
*safe.*

*Akhi [Translation: "Brother"] we read your posts on Din el Haqq and are very impressed by your know of chemistry. We are in the middle of planning something big that will hurt the kuffar [Translation: "Infidels"] and inshallah [Translation: "God willing"] teach them a lesson. Forgive me for not providing you with details, the less you know the better for you. But we need your help very soon.*

*We have the needed material but are having problems with consistently making the taffir [Translation: "detonation"]. Can you help us?*

*Jazak Allah Kheyr Akhi. [Translation: "May Allah reward you for your good deeds brother."]*

*Akhook Abu Harith [Translation: "Your brother Abu Harith"]*

**(See Govt. Ex. 193, 206).**

**May 7, 2011:** Yusuf (b/t/b BRICE) <allahguidance@gmail.com> replied to the email titled, "Re: The beginning," with the following posting:

*[Arabic Printing] [Translation: "Peace be upon you"]*

*I am always willing to help my brothers but I must know more specific parts of your plan. I must also stress that the kafir [Translation: "infidel"] is becoming very smart in order to fool fellow brothers and sisters into joining them, then they are arrested. Can you prove to me you are who you say you are and that I can trust you?*

*What problems are you having with your project? If you have the needed materials, insha'Allah [Translation: "Allah or God willing"], you should be able to build the correctly. My trust is in you, therefore I expect in return.*

*Stay safe.*

*[Arabic Printing] akhi [Translation: "May Allah reward you for your good deeds brother"]*

*Y.*

**(See Govt. Ex. 193, 206).**

**May 7, 2011:** FBI OCE (a/k/a "Abu Harith") replied to the email titled, "Re: The beginning," with the following posting:

*[Arabic Printing] [Translation: "Peace be upon you as well and Allah's mercy and blessings."]*

1 *Akhi* [Translation: "Brother"] *Yusuf*

2 *I am very impressed by your cautiousness and have to agree*  
 3 *with you about the Kufar* [Translation: "infidels"]. *I have been*  
 4 *living in Dar El Harb* [House or land of war] *for a while and*  
 5 *have seen too many ikhwan mujahideen* [Translation: "holy  
 6 *warrior brothers"] being arrested, because of carelessness and*  
 7 *have to be honest wondered about you as weell* [sic]. *WHat*  
 8 *[sic]] can I do to prove to you that I am who I say I am?*

9 *As for the target I cannot go into details for the same reasons*  
 10 *we talked about before, but I can tell you that the target is*  
 11 *those who have been hurting our Ikhwan* [Translation:  
 12 *"brothers"] in Iraq and other places for years and specifically*  
 13 *our Sheikh Abu Abdallah* [Translation: "Usama Bin Laden"]  
 14 *last week, the junud* [Translation: "Soldiers"].

15 *Akhi* [Translation: "brother"] *I will let you decide whether you*  
 16 *want to help or not. Here is our problem. We are using nail*  
 17 *polish remover (acitone)* [sic] *and beroxide* [sic] *cap in diesel*  
 18 *fuel and amoniom* [sic] *ntrate* [sic] *but we are not always*  
 19 *getting infijar* [Translation: "Detonation"] *all the time,*  
 20 *ahyanan* [Translation: "sometimes"] *yes wa* [and] *ahyanan*  
 21 [Translation: "sometimes"] *No.*

22 *Akhi* [Translation: "brother"] *you decide if you want to help or*  
 23 *not but either way let me know soon.*

24 *[Arabic Printing]* [Translation: "May Allah reward you for  
 25 your good deeds."]

26 *[Arabic Printing]* [Translation: "Your brother in Allah Abu  
 27 Harith.]"

28 **(See Govt. Ex. 193, 206).**

**May 8, 2011:** Yusuf (b/t/b BRICE) <allahguidance@gmail.com> replied to  
 the email titled, "Re: The beginning," with the following posting:

*The only way to earn my trust is to give me more information  
 what you are planning.*

*Do not use nail polish remover. Use real 90% or higher  
 acetone, you can buy this at hardware stores. If you are  
 making TATP which is acetone peroxide, you cannot use this as  
 a blasting cap for ANFO (ammonium nitrate/diesel). If you are  
 using tatp for your caps you need to build a booster to bridge  
 the two. ANFO is difficult to detonate. You need to take your  
 acetone peroxide and dehydrate your nitrate by baking in the  
 oven for 30-60 minutes. Ammonium nitrate will not work  
 properly if the water molecules from the air are absorbed. DO*



1 *NOT PUT THE ACETONE PEROXIDE IN THE OVEN. JUST*  
2 *THE FERTILIZER.*

3 *A booster should be around 300-500 grams.*

4 *To make this , take a ratio of 12:88 APAN ( Acetone peroxide*  
5 *-ammonium nitrate). So if you have 100 grams of APAN, you*  
6 *should measure 12 grams of AP and 88 grams of nitrate .. and*  
7 *then mix the two well. This booster can be detonated with a*  
8 *simple acetone peroxide blast cap. Bury the cap in the booster*  
9 *with just the fuse or wire from the cap sticking out. It's*  
10 *important to cover the cap inside the booster entirely or you*  
11 *may have a failed detonation.*

12 *Once you have a booster made, you can then mix your*  
13 *Ammonium nitrate- diesel fuel at a ratio of 94:6 . Remember*  
14 *that this measurement is by weight so if you made a 100 gram*  
15 *anfo device, you would measure 94 grams of nitrate and 6*  
16 *grams of fuel. Mix this well and let it absorb for a hour. Make*  
17 *sure to seal both the booster and the anfo so it does not absorb*  
18 *water from the air. Plastic gallon sized bags are good to use .*  
19 *Double wrap them to avoid fuel leaking through and getting on*  
20 *your hands or to hide the smell of fuel.*

21 *Wrap the AN-FO around the booster . If you have done this*  
22 *correctly , your nitrate will detonate. ANFO requires heavy*  
23 *detonation so you must use a booster to build a bridge between*  
24 *the cap and the ANFO.*

25 *BUT, you have to perfect your work , there are often many*  
26 *failed detonations before you achieve success. Be careful , this*  
27 *is dangerous work, follow all precautions safely.*

28 *First you need to make sure you are making correct acetone*  
peroxide, then move on to your booster. Test your booster  
before building a large explosive as to avoid wasting your  
time.

You will most likely need to ask me more questions because it  
is hard to explain everything in one email. But I need you to  
tell me , where are you getting your ammonium nitrate from ?  
You have to be using the correct type. Some have new  
ingredients in the nitrate so that they cannot be made into  
explosives.

I will design a diagram for you to better understand how to use  
the booster but first i need you to answer these questions in the  
next email.

-Where are you getting your nitrate from?

-Are you stabilizing the acetone peroxide with baking soda  
powder after you filter it ?

-In acetone peroxide there are 3 chemicals; Acetone, hydrogen  
peroxide, and third is an acid. Sulfuric acid is too difficult to



1 *acquire, use an acid called "muriatic acid" . This is found in*  
 2 *all hardware stores for a very low price, it is used to clean*  
 3 *pools and concrete ground. It is dangerous so avoid inhaling.*

4 *Jazak Allah khayr akhi* [Translation: "May Allah reward you  
 for your good deeds brother."]

5 **D. Arrest of JOSEPH JEFFEREY BRICE:**

6 On May 9, 2011, FBI and INJTTF arrested BRICE on the Sealed Indictment  
 7 and executed federal search warrants on his residence, his parent's residence, his  
 8 vehicle and Alyssa Pittman's vehicle. (*See Govt. Ex. 213-262, 274-298*). When  
 9 BRICE was taken into custody, FBI SALT McEuen and FBI SSA Harrill advised  
 10 BRICE of the pending federal Indictment and his rights. BRICE waived his right  
 11 to remain silent, signed an Advice of Rights form, and provided a recorded  
 12 statement (approximately four hours) to FBI SALT McEuen and FBI SSA Harrill.  
 13 (*See Govt. Ex. 267, 268*). Essentially, BRICE stated he was a member of the  
 14 "jihadi" website "Deen al-Haqq" and used the screen name "Yusuf90" on that site.  
 15 (*See Govt. Ex. 267, 268*). BRICE admitted that he posted files that contained step  
 16 by step instructions to make the improvised explosives, including TATP and  
 17 APAN on that site. (*See Govt. Ex. 267, 268*). BRICE further admitted that he was  
 18 in contact with a person who used the screen name "Abu Harith" on "Deen  
 19 al-Haqq." (*See Govt. Ex. 267, 268*). BRICE indicated he created the account  
 20 allahguidance@gmail.com and sent abuharith1979@gmail.com detailed  
 21 information on how to make and use explosives. (*See Govt. Ex. 267, 268*).  
 22 BRICE also admitted posting an Inspire Magazine on the Young News Channel.  
 23 (*See Govt. Ex. 267, 268*).

24 BRICE stated he was not a Muslim convert, but did study Islam. (*See Govt.*  
 25 *Ex. 267, 268*). BRICE stated he supplied the explosives knowledge and files to  
 26 the Jihadists in order to gain their trust, obtain access to them, and learn what their  
 27 plans were. (*See Govt. Ex. 267, 268*). He stated he did not report any of his  
 28

1 activities to law enforcement, but may have in the future. (*See Govt. Ex. 267,*  
2 *268*).

3 BRICE indicated he had cannon fuse and a drill in his car for the purpose of  
4 creating bombs to destroy two televisions sets he had in his apartment. (*See Govt.*  
5 *Ex. 267, 278*). The FBI Seattle Evidence Response Team (ERT) located the  
6 cannon fuse and drill in Brice's vehicle. (*See Govt. Ex. 275, 276, 277*).

7 During the post-arrest interview, BRICE also signed a Consent to Search his  
8 computer, which included an Intel HP (which contained bombing recipes and  
9 contact with the Deen Al Haq website) and a Consent to Assume Online Presence,  
10 (*See Govt. Ex. 273*). which included allahguidance@gmail.com (password  
11 ronald55); Yusef90 (password ronald55); and rzafoshiza on YouTube. BRICE  
12 also initialed numerous documents including a timeline relevant to BRICE's  
13 online activity and manufacturing and detonation of destructive devices; (*See*  
14 *Govt. Ex. 269*); a photograph of the area in which the destructive devices were  
15 detonated; (*See Govt. Ex. 270*); a photograph of an end cap from a homemade pipe  
16 bomb; plans for the Zion Bank robbery; and a printout from the Young News  
17 Channel website. (*See Govt. Ex. 270.1-272*). On May 16, 2011, the FBI accessed  
18 the account using the provided screen name and password. The following  
19 information was noted:

20 **May 8, 2011:** allahguidance@gmail.com (BRICE) received an  
21 invitation to join the Ansar Al-Mujahideen (www.ansar1.info), a well  
22 known jihadi forum.

23 The string of email communications between allahguidance@gmail.com  
24 (BRICE) and abuharith1978@gmail.com (FBI OCE) was located. (*See Govt. Ex.*  
25 *193*).

#### 26 **IV. The Evidence:**

##### 27 **A. Context:**

1 During the August 6, 2012, Pretrial Hearing, the United States interpreted  
2 the Court's expressed concern about some of the exhibits as not being relevant as  
3 viewing the exhibits essentially in a vacuum, without the context of presentation.  
4 As such, the United States attempted to explain that analysis of the exhibits must  
5 be done through the present lens of social media conversation. The United States  
6 explained:

7 [P]erhaps part of the, part of the confusion is that we're – when, if  
8 one looks at the exhibits as we might normally have, I guess, Your  
9 Honor, the paradigm or the lens that we're all used to looking at these  
exhibits in terms of trial, does this exhibit stand on its own, does this  
exhibit, what does this exhibit mean?

10 If this exhibit doesn't come in, does it affect three other  
11 exhibits or is it separate?

12 I think we have, for good reason, because that's how exhibits  
13 are typically presented in trials. This case is a little bit different in  
terms of the exhibit list and maybe I can explain how the process of  
these exhibits was developed.

14 The first – and this would come out in trial, in terms of the  
15 authentication of the exhibits.

16 A search warrant was issued to Google. A number of search  
17 warrants were issued, but we'll take the Google search warrant  
issued.

18 Google returned a disk and the disk is analyzed. Okay.  
19 The United States would, intended [sic], that if necessary it  
would admit that disk as a whole. This is the complete set of  
evidence that came from Google.

20 If the Court recalls, we officially put that on a discovery disk,  
21 honestly not thinking that if that particular disk would have been  
opened, it could potentially open up to viruses that would have been  
on individual e-mails within that disk. So we removed it.

22 \* \* \*

23 Now the testimony from Special Agent McEwen would be, in  
24 review of this disk, Google provided that these comments were made.  
25 And a comment was made, I don't know, I'll just make up something.  
That I prefer chemical bombs to pipe bombs.

26 \* \* \*

1 So Special Agent McEwen finds this comment. Okay. This  
2 seems to be relevant. And Special Agent McEwen's analysis of it, at  
3 the bottom of that comment is a strange set of numbers that, you  
4 could say are encrypted, but basically it's some lower case numbers,  
5 some upper case numbers, and letters and some numbers that's a  
6 code.

7 If that code then is typed into an internet search, then what it  
8 does is it automatically – it's like a web site. It brings up the  
9 YouTube web page that that comment was made to [sic].

10 And bringing up that page, perhaps that web page says,  
11 "Chemical Bombs Versus Pipe Bombs." Maybe that's the title of the  
12 web page.

13 If that was the title of the web page, then and the comment was, "I  
14 prefer chemical bombs to pipe bombs," then a decision was made by  
15 the United States in this process so far to say, that statement, the  
16 comment stands by itself without the context, other than title of the  
17 video.

18 The United States doesn't need to show the video, in order to  
19 present that comment and its relevance.

20 Now, it may be that a comment comes up that says, okay,  
21 maybe the comment is more – the comment doesn't stand by itself.

22 \* \* \*

23 Now that video and it maybe has a certain title, and Special  
24 Agent McEwen watches that video, and myself included in this  
25 process, we watch that video, and say, wow, after you watched the  
26 video, now the comment has a context.

27 So for many, so in order to say, this is what this comment may  
28 mean or may, why it may be relevant, after seeing, arguably, the first  
part of the conversation, the video, here's the response to it, here's the  
comment.

So in those circumstances, the United States has submitted the  
videos, not because they're designed to be emotionally charged on  
their ow, but because, without the video, the comment has no  
meaning.

And I would argue that what we're used to, in terms of  
evidence, is, here's a video, that has value. Here's a comment, that  
has value. But in this case, in many cases, it's two parts that come  
together to make the relevant exhibit. And that's why they have been  
listed that way.

I guess that – that's what, that's kind of the explanation of how  
this, how this works in terms of there's maybe, let's say there's a  
hundred comments.

1 Many of those comments stand by themselves. But there's only  
2 23 videos that need to be played in order for the comment to make  
3 sense.

4 I would argue that we're looking at a day and age to where,  
5 here's a defendant whose anywhere from 18, 19, 20, 21 years old, and  
6 is a part of a generation, arguably, that communicates through text  
7 messages, communicates through social media, communicates  
8 through YouTube.

9 \* \* \*

10 We see that, Your Honor, on Spokesman Review articles that  
11 are posted on the web. S soon as something's posted, there's a blog  
12 or whatever they call it, to where people can post comments.

13 Those comments in and of themselves constitute statements  
14 made by an individual, but those statements are in response to,  
15 arguably, a statement made by the Spokesman Review.

16 In this case, if a video, if there's a comment that the United  
17 States believes that the video is necessary to provide the relevance of  
18 the comment, then arguably it's a two-part conversation. The video is  
19 the first part of the conversation, the defendant's comment is the  
20 second part of the conversation.

21 So it's just, it's understandably, looking at it in terms of exhibit  
22 1, exhibit 2, exhibit 3, exhibit 4, and checking that off, doesn't  
23 necessarily make a lot of sense.

24 *See* Hearing Trans., Pg. 34, Line 12 to Pg. 39, Line 2 (August 6, 2012)).

25 **B. Exhibit List and Relevance:**

26 The Court ultimately clarified its concern about how the exhibits support  
27 Count Two and Count Three. While the United States respectfully submits that  
28 the best approach to analyzing the relevance of the exhibits would be to view the  
29 exhibits with argument during the September 12-13, 2012, hearing, the United  
30 States nevertheless sets forth the following table analysis.

No.#	Description	Relevance
1	<b>Document:</b> Sales Receipt for Explosive Material Purchased from Smith Industries, LLC, Elkridge, Maryland	Count 1: acquisition of explosive material
2	<b>Document:</b> Copy of Identification of Jeffrey Brice and Notes from Smith Industries, LLC, Elkridge, Maryland	Count 1: acquisition of explosive material
3	<b>Document:</b> Copy of UPS Tracking Information for Item Shipped from Smith Industries, LLC, Elkridge, Maryland	Count 1: acquisition of explosive material
4	<b>Photograph:</b> Whitman County Sheriff's Office Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
5	<b>Photograph:</b> Whitman County Sheriff's Office Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
6	<b>Photograph:</b> Whitman County Sheriff's Office Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
7	<b>Photograph:</b> Whitman County Sheriff's Office Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
8	<b>Photograph:</b> Whitman County Sheriff's Office Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful



No.#	Description	Relevance
9	<b>Photograph:</b> Whitman County Sheriff's Office Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
10	<b>Item:</b> White Plastic Fragments Taken from Area of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: item of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
11	<b>CD:</b> Five Video Files Downloaded from Strengthofallah YouTube Channel by FBI SALT Lee McEuen	Count 3: Inextricably intertwined with Attempting to Provide Material Support
12	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
13	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
14	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
15	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
16	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful



No.#	Description	Relevance
17	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
18	<b>Photograph:</b> FBI Investigation of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
19	<b>Document:</b> FBI Sketch of Area of Detonation of Improvised Explosive Device on April 18, 2010 (3 pages)	Count 1: demonstrative exhibit of explosive incident
20	<b>Soil Samples:</b> Taken from Area of Detonation of Improvised Explosive Device by FBI	Count 1: item of explosive incident
21	<b>Item:</b> Metal Pipe Cap Found in Area of Detonation of Improvised Explosive Devices by FBI	Count 1: item of explosive incident Count 2: experience/knowledge of explosives
22	<b>Item:</b> Pipe Fragments Taken from Area of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: item of explosive incident Count 2: experience/knowledge of explosives
23	<b>Item:</b> Fragments of White Plastic Found in Area of Detonation of Improvised Explosive Devices by FBI	Count 1: item of explosive incident Count 2: experience/knowledge of explosives
24	<b>Photograph:</b> FBI photo of evidence collected by Whitman County SO of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful

No.#	Description	Relevance
24.1	<b>Photograph:</b> FBI photo of evidence collected by Whitman County SO of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
24.2	<b>Photograph:</b> FBI photo of evidence collected by Whitman County SO of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
24.3	<b>Photograph:</b> FBI photo of evidence collected by Whitman County SO of Detonation of Improvised Explosive Device on April 18, 2010	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
25	<b>Photograph:</b> FBI photo of evidence collected of Detonation of Improvised Explosive Devices	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
26	<b>Photograph:</b> FBI photo of evidence collected of Detonation of Improvised Explosive Devices	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
27	<b>Photograph:</b> FBI photo of evidence collected of Detonation of Improvised Explosive Devices	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
28	<b>Photograph:</b> FBI photo of evidence collected of Detonation of Improvised Explosive Devices	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
29	<b>Photograph:</b> FBI photo of evidence collected of Detonation of Improvised Explosive Devices	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful

No.#	Description	Relevance
30	<b>Photograph:</b> FBI photo of evidence collected of Detonation of Improvised Explosive Devices	Count 1: photograph of explosive incident Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
32	CD: Google SW return 2/2/2011 MJ -11-022-00	Counts 1, 2, 3: Authentication of Comments Admitted through Google PowerPoint Summary <b>Govt. Ex. 146</b>  [No Present Intent to Publish]
33	CD: Google SW return 2/4/2011 MJ -11-031-00 Internal ref#63115-127560 2/16/2011	Counts 1, 2, 3: Authentication of Comments Admitted through Google PowerPoint Summary <b>Govt. Ex. 146</b>  [No Present Intent to Publish]
34	Document: Google subpoena return letter, account information and I.P. usage (9 pages) Internal ref# 63115-127233 2/2/2011	Counts 1, 2, 3: Authentication of Comments Admitted through Google PowerPoint Summary <b>Govt. Ex. 146</b>  [No Present Intent to Publish]
35	CD: Google SW return 5/3/2011 MJ-11-204-00 Internal ref #63115-137274 5/9/2011	Counts 1, 2, 3: Authentication of Comments Admitted through Google PowerPoint Summary <b>Govt. Ex. 146</b>  [No Present Intent to Publish]
36	CD: Google SW return 6/7/2011 Internal Ref #63115-140844 (Allahguidance)	Counts 1, 2, 3: Authentication of Comments Admitted through Google PowerPoint Summary <b>Govt. Ex. 146</b>  [No Present Intent to Publish]
36.1	CD: PowerPoint of Allahguidance (10 pages)	Summary Exhibit Relevant to Count 3.
37	Document: Google subpoena return for Terroists95 and Nusantarean (14 pages) Internal Ref#63115-136976 5/3/2011	Count 3: Authentication for video [Govt. Ex. 49] and comment [Govt. Ex. 129]

No.#	Description	Relevance
38	<b>CD:</b> YouTube Video “Jon Robinson’s McVeigh segment Part 1/6” <a href="http://www.youtube.com/all_comments?v=Yo9OhDZknXw">http://www.youtube.com/ all_comments?v=Yo9Oh DZknXw</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 65]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives Count 2: Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
39	<b>CD:</b> YouTube Video “Timothy McVeigh: Martyr Without a Cause” <a href="http://www.youtube.com/all_comments?v=iom3Aahn6_0">http://www.youtube.com/ all_comments?v=iom3A ahn6_0</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 85]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives Count 2: Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
40	<b>CD:</b> YouTube Video (Audio) “The Turner Diaries Audio Book Part 4” <a href="http://www.youtube.com/all_comments?v=sXKofl539OI">http://www.youtube.com/ all_comments?v=sXKofl 539OI</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 93]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s motive to manufacture chemical explosives Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
41	<b>CD:</b> YouTube Video “Car Bomb with Concrete Jersey Barriers” <a href="http://www.youtube.com/all_comments?v=dJv14fcDBVY">http://www.youtube.com/ all_comments?v=dJv14f cDBVY</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 99]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s motive to manufacture chemical explosives Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
42	<b>CD:</b> YouTube Video “how to make a fake/prop pipe bomb” <a href="http://www.youtube.com/all_comments?v=VfSxs-GKaIE">http://www.youtube.com/ all_comments?v=VfSxs- GKaIE</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 65]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s <i>intent</i> to manufacture chemical explosives Count 2: Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
43	<b>CD:</b> YouTube Video “We Are Waiting For the Enemy to Come: Vanguard Extra” <a href="http://www.youtube.com/all_comments?v=Hhul4BQ-DYA">http://www.youtube.com/ all_comments?v=Hhul4 BQ-DYA</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 104]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
44	<b>CD:</b> YouTube Video “Jon Robinson’s McVeigh segment Part 6/6” <a href="http://www.youtube.com/all_comments?v=7gLwHFAU21Y">http://www.youtube.com/ all_comments?v=7gLwH FAU21Y</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 106]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives Count 2: Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
45	<b>CD:</b> YouTube Video “Wireless Fireworks Ignition Circuit” <a href="http://www.youtube.com/all_comments?v=JQtXlg a4J2M">http://www.youtube.com/ all_comments?v=JQtXlg a4J2M</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 115]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
46	<b>CD:</b> YouTube Video “Napolitano: ‘We’re Always Leaning Forward’” <a href="http://www.youtube.com/all_comments?v=OthK4urNyt4">http://www.youtube.com/ all_comments?v=OthK4 urNyt4</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 117]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
47	<b>CD:</b> YouTube Video “Terror From Hell: The Children of Beslan Tell Their Stories (3 of 6)” <a href="http://www.youtube.com/all_comments?v=3nf2tG9Xi34">http://www.youtube.com/all_comments?v=3nf2tG9Xi34</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 124]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
48	<b>CD:</b> “Timothy McVeigh Oklahoma City Bombing Dedication” YouTube Encrypted # Yts5gjCkURs	The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:  <u>Count 1:</u> Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
49	<b>CD:</b> YouTube Video “[No Title - Subject Matter: Twin Towers” (Posted by Nusantaraean) <a href="http://www.youtube.com/all_comments?threaded=1&amp;v=hCTixaFJUNQ">http://www.youtube.com/all_comments?threaded=1&amp;v=hCTixaFJUNQ</a>	The video is admissible to show the <i>context</i> of the Defendant’s own social media conversation statement [Govt. Ex. 129] which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:  Count 3: to prove the Defendant’s <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [Published through <i>Govt. Ex. 146</i> ]



No.#	Description	Relevance
50	<b>CD:</b> “500g APAN Booster” Encrypted ID # tagZvsAtKwo	<p>The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:</p> <p>Count 1 to prove the Defendant’s <i>intent</i> to knowingly make a destructive device;  Count 2: to prove the Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  Count 3: to prove the Defendant <i>provided</i> training, expert advice or assistance and to prove the Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[Published through <i>Govt. Ex.</i> 146]</p>
51	<b>CD:</b> YouTube Video “Nice Nasheed by Chechen Mujahideens <a href="http://www.youtube.com/all_comments?v=wX76mKj_HTQ">http://www.youtube.com/all_comments?v=wX76mKj_HTQ</a>	<p>The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 134]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>
52	<b>CD:</b> YouTube Video “Chechen Mujahadeen Destroying Russian Military” <a href="http://www.youtube.com/all_comments?v=KWHLEMOBwQl">http://www.youtube.com/all_comments?v=KWHLEMOBwQl</a>	<p>The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 135]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>

No.#	Description	Relevance
53	<b>CD:</b> YouTube Video “Mock Times Square Bomb Testing” <a href="http://www.youtube.com/all_comments?v=XwOQnhoo_Hg">http://www.youtube.com/ all_comments?v=XwOQ nhoo_Hg</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 138]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
54	<b>CD:</b> YouTube Video “Witness to AZ Shooting Told Investigators Someone Else Was Working With Shooter” <a href="http://www.youtube.com/all_comments?v=B6vpWvvy9Eo">http://www.youtube.com/ all_comments?v=B6vpW vvy9Eo</a>	The video is admissible to show the context of the Defendant’s social media statement to [Govt. Ex. 141]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
55	<b>CD:</b> YouTube Video “.3 Kg APAN” Encrypted ID # HjU038RKj0w	The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:  Count 1 to prove the Defendant’s <i>intent</i> to knowingly make a destructive device; Count 2: to prove the Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: to prove the Defendant <i>provided</i> training, expert advice or assistance and to prove the Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
56	<b>CD:</b> YouTube Video “.5 kg apan” Encrypted ID # Jjy59TvvbRY	<p>The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:</p> <p>Count 1 to prove the Defendant’s <i>intent</i> to knowingly make a destructive device;  Count 2: to prove the Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  Count 3: to prove the Defendant <i>provided</i> training, expert advice or assistance and to prove the Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[Published through <i>Govt. Ex.</i> 146]</p>
57	<b>CD:</b> YouTube Video “50 kg ANFO” Encrypted ID # OTyt8TpNUqc	<p>The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:</p> <p>Count 1 to prove the Defendant’s <i>intent</i> to knowingly make a destructive device;  Count 2: to prove the Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  Count 3: to prove the Defendant <i>provided</i> training, expert advice or assistance and to prove the Defendant’s <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[Published through <i>Govt. Ex.</i> 146]</p>

No.#	Description	Relevance
58	<b>CD:</b> YouTube Video “APAN 550 grams” Encrypted ID # 3HSCbUM2294	<p>The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:</p> <p>Count 1 to prove the Defendant’s <i>intent</i> to knowingly make a destructive device;  Count 2: to prove the Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  Count 3: to prove the Defendant <i>provided</i> training, expert advice or assistance and to prove the Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[Published through <i>Govt. Ex.</i> 146]</p>
59	<b>CD:</b> YouTube Video “Shaheedan” Encrypted ID # aQDyu22c5il	<p>The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:</p> <p>Count 3: to prove the Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[Published through <i>Govt. Ex.</i> 146]</p>
60	<b>CD:</b> YouTube Video “Zmuzh Ghazian” Encrypted ID # 1nddS2Yr_tM	<p>The video is the Defendant’s own social media conversation statement through posting the video on the internet which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:</p> <p>Count 3: to prove the Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[Published through <i>Govt. Ex.</i> 146]</p>
60.1	<b>CD:</b> YouTube Video “Blessed Chechen” Encrypted ID # ns2k9dND9WI	<p>The video is relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>

No.#	Description	Relevance
61	<b>Document:</b> Comments Posted to YouTube Video "russian helicopter shot down by missile" (8 pages) <a href="http://www.youtube.com/all_comments?v=v8ZvRUDCjA&amp;page=2">http://www.youtube.com/all_comments?v=v8ZvRUDCjA&amp;page=2</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
62	<b>Document:</b> Comments Posted to YouTube, Video "Anti-gun politicians get OWNED", <a href="http://www.youtube.com/all_comments?v=Yzb4R1x60CI&amp;page=3">http://www.youtube.com/all_comments?v=Yzb4R1x60CI&amp;page=3</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
63	<b>Document:</b> Comments Posted to YouTube Video "Pipe Bomb/Molotov Cocktail" (14 pages) <a href="http://www.youtube.com/all_comments?v=GI4rZeLGU">http://www.youtube.com/all_comments?v=GI4rZeLGU</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  [ Published through <i>Govt. Ex. 146</i> ]
64	<b>Document:</b> Comments Posted to YouTube Video "300g Monster Pipe Bomb w/ Flash Powder" (29 pages) <a href="http://www.youtube.com/all_comments?v=anGMZhs-UJU">http://www.youtube.com/all_comments?v=anGMZhs-UJU</a>	This is the Defendant's social media statement . The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
65	<b>Document:</b> Comments Posted to YouTube Video "Jon Robinson's McVeigh segment Part 1/6" (13pages) <a href="http://www.youtube.com/all_comments?v=Y09OhDZknXw">http://www.youtube.com/all_comments?v=Y09OhDZknXw</a>	<p>This is the Defendant's social media statement to [Govt. Ex. 38]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives  <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>
66	<b>Document:</b> Comments Posted to YouTube Video "Oklahoma City Bombing Federal Surveillance Tapes Coverup" (39 pages) <a href="http://www.youtube.com/all_comments?v=i5v8v4Pl-Qc">http://www.youtube.com/all_comments?v=i5v8v4Pl-Qc</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives  <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>
67	<b>Document:</b> Comments Posted to YouTube Video "1 kg ANFO underwater" (12 pages) <a href="http://www.youtube.com/all_comments?v=blCc7KLvGM">http://www.youtube.com/all_comments?v=blCc7KLvGM</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>

No.#	Description	Relevance
68	<b>Document:</b> Comments Posted to YouTube Video "Acetone peroxide bomb" (3 pages) <a href="http://www.youtube.com/all_comments?v=n24qzo56Dl8">http://www.youtube.com/all_comments?v=n24qzo56Dl8</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
69	<b>Document:</b> Comments Posted to YouTube Video "1600gram + 2.5gram HMTD" (4 pages) <a href="http://www.youtube.com/all_comments?v=tTvkn9DOKuY">http://www.youtube.com/all_comments?v=tTvkn9DOKuY</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
70	<b>Document:</b> Comments Posted to YouTube Channel "Pyrotech Heaven" (4 pages) <a href="http://www.youtube.com/user/vdl1996/feed?filter=1">http://www.youtube.com/user/vdl1996/feed?filter=1</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
71	<b>Document:</b> Comments Posted to YouTube Video "APAN (2 kg)" (3 pages) <a href="http://www.youtube.com/all_comments?v=9HDEXPqlslU">http://www.youtube.com/all_comments?v=9HDEXPqlslU</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]



No.#	Description	Relevance
72	<b>Document:</b> Comments Posted to YouTube Video "Democrat vs. Republican" (30 pages) <a href="http://www.youtube.com/all_comments?v=2-E8P9AfGEM">http://www.youtube.com/all_comments?v=2-E8P9AfGEM</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>
73	<b>Document:</b> Comments Posted to YouTube Video "Mark Levin Rips Nancy Pelosi !! FUNNY AS HELL" (12 pages) <a href="http://www.youtube.com/all_comments?v=5sz9Vjz9554&amp;page=2">http://www.youtube.com/all_comments?v=5sz9Vjz9554&amp;page=2</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>
75	<b>Document:</b> Comments Posted to YouTube Video "Response to CNN Democratic Debate" (39 pages) <a href="http://www.youtube.com/all_comments?v=FlK7zl6jfXg">http://www.youtube.com/all_comments?v=FlK7zl6jfXg</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>
76	<b>Document:</b> Comments Posted to YouTube Video "Ron Paul's question makes Ben Bernake's voice quiver" (41 pages) <a href="http://www.youtube.com/all_comments?v=8pEiLHnjAiw&amp;page=2">http://www.youtube.com/all_comments?v=8pEiLHnjAiw&amp;page=2</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex.</i> 146 ]</p>

No.#	Description	Relevance
77	<b>Document:</b> Comments Posted to YouTube Video "3.5g blasting past vs. cooking pot and cd drives" (2 pages) <a href="http://www.youtube.com/all_comments?v=palOSs7kB38">http://www.youtube.com/all_comments?v=palOSs7kB38</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
78	<b>Document:</b> Comments Posted to YouTube Video "300g Monster pipe Bomb w/ Flash Powder" (29 pages) <a href="http://www.youtube.com/all_comments?v=qnGMZhs-UJU">http://www.youtube.com/all_comments?v=qnGMZhs-UJU</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
79	<b>Document:</b> Comments Posted to YouTube Video "TATP 270gr TATP" (8 pages) <a href="http://www.youtube.com/all_comments?v=PdW3gN9ut8">http://www.youtube.com/all_comments?v=PdW3gN9ut8</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
80	<b>Document:</b> Comments Posted to YouTube Video "A nightmare before Christmas" (41 pages) <a href="http://www.youtube.com/all_comments?v=8uo_wE85JKk">http://www.youtube.com/all_comments?v=8uo_wE85JKk</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
81	<b>Document:</b> Comments Posted to YouTube Channel “anfokg’s channel” (2 pages) <a href="http://www.youtube.com/user/anfokg/feed?filter=1">http://www.youtube.com/user/anfokg/feed?filter=1</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
82	<b>Document:</b> Comments Posted to YouTube Video “20 kg of anfo with Exploding stump” (9 pages) <a href="http://www.youtube.com/all_comments?v=qHFEgrYIJB8">http://www.youtube.com/all_comments?v=qHFEgrYIJB8</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
83	<b>Document:</b> Channel (Home Page) “Terrorista95” (16 pages) <a href="http://www.youtube.com/user/terrorista95">http://www.youtube.com/user/terrorista95</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
84	<b>Document:</b> Channel (Home Page) “danielstwin” <a href="http://www.youtube.com/user/Danielstwin">http://www.youtube.com/user/Danielstwin</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
85	<b>Document:</b> Comments Posted to YouTube Video "Timothy McVeigh: Martyr Without a Cause" (38 pages) <a href="http://www.youtube.com/all_comments?v=iom3Aahn6_0">http://www.youtube.com/all_comments?v=iom3Aahn6_0</a>	This is the Defendant's social media statement to [Govt. Ex. 39]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
86	<b>Document:</b> Comments Posted to YouTube Video "Pipe Bomb vs. Washing Machine" (5 pages) <a href="http://www.youtube.com/all_comments?v=yr3rurGgTfo">http://www.youtube.com/all_comments?v=yr3rurGgTfo</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> intent to manufacture explosive <u>Count 2:</u> experience/knowledge of explosives <u>Count 3:</u> knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
87	<b>Document:</b> Comments Posted to YouTube Video "1.5 Ammonium Nitrate Explosion" (5 pages) <a href="http://www.youtube.com/all_comments?v=JSbvJXnJYX8">http://www.youtube.com/all_comments?v=JSbvJXnJYX8</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> intent to manufacture explosive <u>Count 2:</u> experience/knowledge of explosives <u>Count 3:</u> knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
88	<b>Document:</b> Comments Posted to YouTube Video "35kg gjodselbombe (fertilizer bomb) at 3000 frames/second" (5 pages) <a href="http://www.youtube.com/all_comments?v=vK9Tai b5TLQ">http://www.youtube.com/all_comments?v=vK9Tai b5TLQ</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> intent to manufacture explosive <u>Count 2:</u> experience/knowledge of explosives <u>Count 3:</u> knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
89	<b>Document:</b> Comments Posted to YouTube Video "Napolitano Apologizes To Vets on Fox News For DHS Report ut Adds: Timothy McVeigh 'Was a Vet'" (2 pages) <a href="http://www.youtube.com/all_comments?v=qufoqnTXhCg">http://www.youtube.com/all_comments?v=qufoqnTXhCg</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
90	<b>Document:</b> Comments Posted to YouTube Video "Rep. Brian Baird accuses protesters of driving people to violence like Timothy McVeigh" (12 pages) <a href="http://www.youtube.com/all_comments?v=4k9P0NlbSgo">http://www.youtube.com/all_comments?v=4k9P0NlbSgo</a>	This is the Defendant's social media statement to [Govt. Ex. 39]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
91	<b>Document:</b> Comments Posted to YouTube Video "40lb. Tannerite" (9 pages) <a href="http://www.youtube.com/all_comments?v=B3tV_Jh-FqA">http://www.youtube.com/all_comments?v=B3tV_Jh-FqA</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
92	<b>Document:</b> Comments Posted to YouTube Video "Consumer confidence, job programs, Greenspan" (43 pages) <a href="http://www.youtube.com/all_comments?v=uWQn0n5h8Kc">http://www.youtube.com/all_comments?v=uWQn0n5h8Kc</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
93	<b>Document:</b> Comments Posted to YouTube Video "The Turner Diaries Audio Book Part 4" (5 pages) <a href="http://www.youtube.com/all_comments?v=sXKofl539OI">http://www.youtube.com/all_comments?v=sXKofl539OI</a>	This is the Defendant's social media statement to [Govt. Ex. 40]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant's motive to manufacture chemical explosives Count 2: Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
94	<b>Document:</b> Comments Posted to YouTube Channel "jmurdaïne88" (2 pages) <a href="http://www.youtube.com/user/jmurdaïne88">http://www.youtube.com/user/jmurdaïne88</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
95	<b>Document:</b> Comments Posted to YouTube Video "40lb tannerite" (12 pages) <a href="http://www.youtube.com/all_comments?v=B3tV_Jh-FqA">http://www.youtube.com/all_comments?v=B3tV_Jh-FqA</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
96	<b>Document:</b> Comments Posted to YouTube Video "Blowing p a freezer with 500g APAN" (5 pages) <a href="http://www.youtube.com/all_comments?v=X4kQW4Lc2HI">http://www.youtube.com/all_comments?v=X4kQW4Lc2HI</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]



No.#	Description	Relevance
97	<b>Document:</b> Comments Posted to YouTube Video “good bye car ...” (3 pages) <a href="http://www.youtube.com/all_comments?v=YkW57eLnxyE">http://www.youtube.com/all_comments?v=YkW57eLnxyE</a>	This is the Defendant’s social media statement to <i>Govt. Ex. 38</i> . The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
98	<b>Document:</b> Comments Posted to YouTube Video “200g ANFO on high speed camera!” (6 pages) <a href="http://www.youtube.com/all_comments?v=gFpw9IAHJjI">http://www.youtube.com/all_comments?v=gFpw9IAHJjI</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
99	<b>Document:</b> Comments Posted to YouTube Video “Car Bomb with Concete Jersey Barriers” (10 pages) <a href="http://www.youtube.com/all_comments?v=dJv14fcDBVY">http://www.youtube.com/all_comments?v=dJv14fcDBVY</a>	This is the Defendant’s social media statement to [Govt. Ex. 41]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant’s motive to manufacture chemical explosives Count 3: Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
100	<b>Document:</b> Comments Posted to YouTube Video “475g ANFO + 70g Booster” (4 pages) <a href="http://www.youtube.com/all_comments?v=KUhe_W3GaM">http://www.youtube.com/all_comments?v=KUhe_W3GaM</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]



No.#	Description	Relevance
101	<b>Document:</b> Comments Posted to YouTube Video "OKLAHOMA CITY BOMBING Was An INSIDE JOB by The CRIMINAL, BANKER-RUN U.S. GOVT., 3 of 3" (3 pages) <a href="http://www.youtube.com/all_comments?v=Qj0mNNlnf40">http://www.youtube.com/all_comments?v=Qj0mNNlnf40</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives Count 2: Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant's <i>intent</i> to provide material support to terrorists. It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
102	<b>Document:</b> Comments Posted to YouTube Video "Rosetta Stone" (28 pages) <a href="http://www.youtube.com/all_comments?v=KzGOitJyKxE">http://www.youtube.com/all_comments?v=KzGOitJyKxE</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
103	<b>Document:</b> Comments Posted to YouTube Video "how to make a fake/prop pipe bomb" (9 pages) <a href="http://www.youtube.com/all_comments?v=VfSxs-GKaIE">http://www.youtube.com/all_comments?v=VfSxs-GKaIE</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
104	<b>Document:</b> Comments Posted to YouTube Video "We Are Waiting For the Enemy to Come: Vanguard Extra" (28 pages) <a href="http://www.youtube.com/all_comments?v=Hhul4BQ-DYA&amp;page=1">http://www.youtube.com/all_comments?v=Hhul4BQ-DYA&amp;page=1</a>	This is the Defendant's social media statement to [Govt. Ex. 43]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]

No.#	Description	Relevance
105	<b>Document:</b> Comments Posted to YouTube Video "Lou Dobbs Responds to Writer Accusing Him Of Hiring Illegal Immigrants" (4 pages) <a href="http://www.youtube.com/all_comments?v=KlW5XkwnDeA">http://www.youtube.com/all_comments?v=KlW5XkwnDeA</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
106	<b>Document:</b> Comments Posted to YouTube Video "Jon Robinson's McVeigh segment Part 1/6" (9pages) Site: <a href="http://www.youtube.com/all_comments?v=Y09OhDZknXw">http://www.youtube.com/all_comments?v=Y09OhDZknXw</a>	This is the Defendant's social media statement to [Govt. Ex. 44]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
107	<b>Document:</b> Comments Posted to YouTube Video "5kg ANFO" (12 pages) <a href="http://www.youtube.com/all_comments?v=ccQ9vkLrvfo">http://www.youtube.com/all_comments?v=ccQ9vkLrvfo</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
108	<b>Document:</b> Comments Posted to YouTube Video "Footage of Times Square Bomb Test" (1 page) <a href="http://www.youtube.com/all_comments?v=lJfm-92JXVE">http://www.youtube.com/all_comments?v=lJfm-92JXVE</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
109	<b>Document:</b> Comments Posted to YouTube Video “10kg ANFO” (12 pages) <a href="http://www.youtube.com/all_comments?v=izW123ON07M">http://www.youtube.com/all_comments?v=izW123ON07M</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
110	<b>Document:</b> Comments Posted to YouTube Video “4409 – Timothy McVeigh Tapes: MSNBC Documentary Confessions of an American Terrorist” (29 pages) <a href="http://www.youtube.com/all_comments?v=CloZVviEdK4">http://www.youtube.com/all_comments?v=CloZVviEdK4</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
111	<b>Document:</b> Comments Posted to YouTube Video “Jon Robinson’s McVeigh segment Part 6/6” (3 pages) <a href="http://www.youtube.com/all_comments?v=7gLwHFAU21Y">http://www.youtube.com/all_comments?v=7gLwHFAU21Y</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant’s emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant’s <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
112	<b>Document:</b> Comments Posted to YouTube Video "Oklahoma City Bombing RARE footage" (29 pages) <a href="http://www.youtube.com/all_comments?v=NWwrEEP8EBk">http://www.youtube.com/all_comments?v=NWwrEEP8EBk</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives  <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive;  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>
113	<b>Document:</b> Comments Posted to YouTube Video "Bill O'Reilly SCARED by Richard Dawkins" (56 pages) <a href="http://www.youtube.com/all_comments?v=2FARDDcdFaQ&amp;page=63">http://www.youtube.com/all_comments?v=2FARDDcdFaQ&amp;page=63</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>
114	<b>Document:</b> Comments Posted to YouTube Video "Mike Licon vs Shabir Ally" (56 pages) <a href="http://www.youtube.com/all_comments?v=grDPJmb3gAs&amp;page=7">http://www.youtube.com/all_comments?v=grDPJmb3gAs&amp;page=7</a>	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>
115	<b>Document:</b> Comments Posted to YouTube Video "Wireless Fireworks Ignition Circuit" (5 pages) <a href="http://www.youtube.com/all_comments?v=JQtXlga4J2M">http://www.youtube.com/all_comments?v=JQtXlga4J2M</a>	<p>This is the Defendant's social media statement to [Govt. Ex. 45]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 146</i> ]</p>

No.#	Description	Relevance
116	<b>Document:</b> Comments Posted to YouTube Video “Ben Affleck defends Arabs” (53 pages) <a href="http://www.youtube.com/all_comments?v=O9d-9GM9RGQ&amp;page=8">http://www.youtube.com/all_comments?v=O9d-9GM9RGQ&amp;page=8</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
117	<b>Document:</b> Comments Posted to YouTube Video “Napolitano: ‘We’re Always Leaning Forward’” (1 page) <a href="http://www.youtube.com/all_comments?v=OthK4urNyt4">http://www.youtube.com/all_comments?v=OthK4urNyt4</a>	This is the Defendant’s social media statement to [Govt. Ex. 46]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
118	<b>Document:</b> Comments Posted to YouTube Video “Ed Show: Cenk Vs ‘Muslim Seed’ BS From Evangelical Christian” (33 pages) <a href="http://www.youtube.com/all_comments?threaded=1&amp;v=jCqHiceDhuk">http://www.youtube.com/all_comments?threaded=1&amp;v=jCqHiceDhuk</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
119	<b>Document:</b> Comments Posted to YouTube Video “FBI Stops Plot To Blow Up Car Bomb At Christmas Tree Lighting Ceremony” (10 pages) <a href="http://www.youtube.com/all_comments?v=wtt2sldlc9s">http://www.youtube.com/all_comments?v=wtt2sldlc9s</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
120	<b>Document:</b> Comments Posted to YouTube Video “YouTube user converts to Islam” (3 pages) <a href="http://www.youtube.com/all_comments?v=RHaauojN_N4">http://www.youtube.com/all_comments?v=RHaauojN_N4</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
121	<b>Document:</b> Comments Posted to YouTube Video “Kirk Cameron gets Owned, Evolution is a myth!” (36 pages) <a href="http://www.youtube.com/all_comments?v=r5J0cSnYnFg&amp;page=4">http://www.youtube.com/all_comments?v=r5J0cSnYnFg&amp;page=4</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
122	<b>Document:</b> Comments Posted to YouTube Video FBI Arrest Man After Selling Him A Bomb To Blow Up Recruitment Center” (3 pages) <a href="http://www.youtube.com/all_comments?v=GanosFvDI_M">http://www.youtube.com/all_comments?v=GanosFvDI_M</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
123	<b>Document:</b> Comments Posted to YouTube Video “Feeling the hate in Israel” (11 pages) <a href="http://www.youtube.com/all_comments?v=0EnWkpnVek">http://www.youtube.com/all_comments?v=0EnWkpnVek</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]



No.#	Description	Relevance
124	<b>Document:</b> Comments Posted to YouTube Video "Terror From Hell: The Children of Beslan Tell Their Stories (3 of 6)" (2 pages) <a href="http://www.youtube.com/all_comments?v=3nf2tG9Xi34">http://www.youtube.com/all_comments?v=3nf2tG9Xi34</a>	This is the Defendant's social media statement to [Govt. Ex. 47]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
125	<b>Document:</b> Comments Posted to YouTube Video "Chechen Shoots Down Russian Helicopter pt. 2" (6 pages) <a href="http://www.youtube.com/all_comments?v=VYuPBt5-dkA">http://www.youtube.com/all_comments?v=VYuPBt5-dkA</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
126	<b>Document:</b> Comments Posted to YouTube Video "Six NATO Troops Killed in Afghanistan" (1 page) <a href="http://www.youtube.com/all_comments?v=iAQGfYCadeM">http://www.youtube.com/all_comments?v=iAQGfYCadeM</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
127	<b>Document:</b> Comments Posted to YouTube Video "David Koresh tells it like it is" (31 pages) <a href="http://www.youtube.com/all_comments?v=Kn0hcpyGuac">http://www.youtube.com/all_comments?v=Kn0hcpyGuac</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]



No.#	Description	Relevance
128	<b>Document:</b> Comments Posted to YouTube Video "[Unknown Title - Nusantaraean -Subject Matter: Twin Towers" (2 pages) <a href="http://www.youtube.com/all_comments?threaded=1&amp;v=hCTixaFJUNQ">http://www.youtube.com/all_comments?threaded=1&amp;v=hCTixaFJUNQ</a>	This is the Defendant's own social media conversation statement to [Govt. Ex. 49] which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:  Count 3: to prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [Published through Govt. Ex. 146]
129	<b>Document:</b> Comments Posted to YouTube Channel "Nustantarean" (2 pages) <a href="http://www.youtube.com/user/Nusantarean">http://www.youtube.com/user/Nusantarean</a>	This is the Defendant's own social media conversation statement which is party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401:  Count 3: to prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [Published through Govt. Ex. 146]
130	<b>Document:</b> Comments Posted to YouTube Video "New Video Released, '95 Oklahoma City Bombing Case" (5 pages) <a href="http://www.youtube.com/all_comments?v=vzyC6Z8VTME">http://www.youtube.com/all_comments?v=vzyC6Z8VTME</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]
131	<b>Document:</b> Comments Posted to YouTube Video "Small 9gram Charge" (3 pages) <a href="http://www.youtube.com/all_comments?v=clj9PogNskM">http://www.youtube.com/all_comments?v=clj9PogNskM</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 146 ]

No.#	Description	Relevance
132	<b>Document:</b> Comments Posted to YouTube Video “‘The Bomb Was Not Very Powerful’ Swiss Embassy Bombing In Rome” (2 pages) <a href="http://www.youtube.com/all_comments?v=uC53yB1hJk0">http://www.youtube.com/all_comments?v=uC53yB1hJk0</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
133	<b>Document:</b> Comments Posted to YouTube Channel “1168a” (3 pages) <a href="http://www.youtube.com/user/1168a?blend=1&amp;ob=video-mustangbase">http://www.youtube.com/user/1168a?blend=1&amp;ob=video-mustangbase</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
134	<b>Document:</b> Comments Posted to YouTube Video “Nice Nasheed by Chechen mujahideens” (9 pages) Site: <a href="http://www.youtube.com/all_comments?v=wX76mKj_HTQ">http://www.youtube.com/all_comments?v=wX76mKj_HTQ</a>	This is the Defendant’s social media statement to [Govt. Ex. 51]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
135	<b>Document:</b> Comments Posted to YouTube Video “Chechen Mujahadeen Destroying Russian Military” (5 pages) <a href="http://www.youtube.com/all_comments?v=KWHIEMOBwQl">http://www.youtube.com/all_comments?v=KWHIEMOBwQl</a>	This is the Defendant’s social media statement to [Govt. Ex. 52]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
136	<b>Document:</b> Comments Posted to YouTube Video "Russian Helicopter shot down on 2002/08/08" (21 pages) <a href="http://www.youtube.com/all_comments?v=KBJ8e_IVOO0">http://www.youtube.com/all_comments?v=KBJ8e_IVOO0</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
137	<b>Document:</b> Comments Posted to YouTube Video "1.5 lb. Ammonium Nitrate Explosion" (5 pages) <a href="http://www.youtube.com/all_comments?v=JSbvJYX8">http://www.youtube.com/all_comments?v=JSbvJYX8</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
138	<b>Document:</b> Comments Posted to YouTube Video "Mock Times Square Bomb Testing" (1 page) <a href="http://www.youtube.com/all_comments?v=XwOQnhoo_Hg">http://www.youtube.com/all_comments?v=XwOQnhoo_Hg</a>	This is the Defendant's social media statement to [Govt. Ex. 53]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists It is not unduly prejudicial pursuant to Rule 403.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
139	<b>Document:</b> Comments Posted to YouTube Video "Jihadists Arrested in Denmark" (1 page) <a href="http://www.youtube.com/all_comments?v=F2jlzOaQOo">http://www.youtube.com/all_comments?v=F2jlzOaQOo</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
140	<b>Document:</b> Comments Posted to YouTube Video “Maryland Staged Terror FBI Caught Provocateur Patsies” (1 page) <a href="http://www.youtube.com/all_comments?v=ocHN_b_BRb4">http://www.youtube.com/all_comments?v=ocHN_b_BRb4</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
141	<b>Document:</b> Comments Posted to YouTube Video “Witness to AZ Shooting Told Investigators Someone Else Was Working With Shooter” (11 pages) <a href="http://www.youtube.com/all_comments?v=B6vpWvvy9Eo">http://www.youtube.com/all_comments?v=B6vpWvvy9Eo</a>	This is the Defendant’s social media statement to [Govt. Ex. 54]. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
142	<b>Document:</b> Comments Posted to YouTube Video “MSNBC Reports Gabrielle Giffords Shot in the Head in Tucson” (9 pages) <a href="http://www.youtube.com/all_comments?v=7FicnB_tDFc">http://www.youtube.com/all_comments?v=7FicnB_tDFc</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
143	<b>Document:</b> Comments Posted to YouTube Video “Sarah Palin ‘is gonna be ERASED’ says Chris Matthews on MSNBC’s Hardball” (2 pages) <a href="http://www.youtube.com/all_comments?v=-vEdwEv-2ZY">http://www.youtube.com/all_comments?v=-vEdwEv-2ZY</a>	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant’s <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]

No.#	Description	Relevance
144	<b>Document:</b> Comments Posted to YouTube Video "Arrested 'Terrorist' in Texas Was Inspired to Kill Goerge W. Bush by the September 11 Attacks " (8 pages) <a href="http://www.youtube.com/all_comments?v=tpc3PrY2uXY">http://www.youtube.com/all_comments?v=tpc3PrY2uXY</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
145	<b>Document:</b> Comments Posted to YouTube Video "Congressman Pete King Spreads Hate" (4 pages) <a href="http://www.youtube.com/all_comments?v=t8silTHbghM">http://www.youtube.com/all_comments?v=t8silTHbghM</a>	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3 to prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
146	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from 3 Google Search Warrant Returns (2) Data from Internet Searches Related to Data from 3 Google Search Warrant Returns	Summary Exhibit Relevant to Counts 1, 2, 3
147	<b>CD:</b> Response from Inland Cellular MJ-11-059-00 for User Information for Account <b>(509) 552-0072</b> stored at the Premises Controlled by <b>Inland Cellular</b>	Authentication/Identification of Defendant's Cellular Telephone for Admission of Text Message Conversations by the Defendant on (509) 552-0072  [No Present Intent to Publish]
148	<b>CD:</b> Response from Inland Cellular MJ-11-138-00 for User Information for Account <b>(509) 552-0072</b> stored at the Premises Controlled by <b>Inland Cellular</b>	Authentication/Identification of Defendant's Cellular Telephone for Admission of Text Message Conversations by the Defendant on (509) 552-0072  [No Present Intent to Publish]

No.#	Description	Relevance
149	<b>Document:</b> Inland Cellular Registration Information for <b>(509) 522-0072</b>	Authentication/Identification of Defendant's Cellular Telephone for Admission of Text Message Conversations by the Defendant on (509) 552-0072
150	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from 2 Inland Cellular Search Warrant Returns	Summary Exhibit Relevant to Counts 1, 2, 3
151	<b>CD:</b> Response from Search Warrant MJ-11-030-00 for Information Associated with <b>User Account</b> [ <u>joey_brice@hotmail.com</u> ] stored at the Premises Controlled by <b>Microsoft</b>	Authentication/Identification of Defendant's Use of <u>joey_brice@hotmail.com</u> and Admission of Relevant Documents  [No Present Intent to Publish]
152	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from <b>Microsoft</b> Search Warrant Return	Summary Exhibit Relevant to Counts 1, 2, 3
153	<b>Document:</b> Plan for Zion Bank Robbery Emailed from <u>joey_brice@hotmail.com</u> to Brady Zachow Zion_Job.pdf (4 pages)	This is the Defendant's statement expressing a motive and/or plan to used explosives as a diversion during a bank robbery. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent/motive to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 146</i> ]
154	<b>Document:</b> PayPal Account Information Including <u>joey_brice@hotmail.com</u> Using the Name "Timothy McVeigh"	Defendant's use of the name "Timothy McVeigh" corroborates his emulation of Timothy McVeigh and motive to manufacture chemical explosives



No.#	Description	Relevance
155	<b>CD:</b> Response from Search Warrant MJ-11-225-00 for Information Associated with <b>User Account</b> stored at the Premises Controlled by <b>MediaFire</b> P-2-4	Authentication/Identification of Defendant's use of Mediafire to store electronic media files  [No Present Intent to Publish]
155.1	<b>Document:</b> Response from Search Warrant MJ-11-225-00 for Information Associated with <b>User Account</b> stored at the Premises Controlled by <b>MediaFire</b> May 17, 2011	Authentication/Identification of Defendant's use of Mediafire to store electronic media files
155.2	<b>Document:</b> Response from Subpoena for information associated with specified URL's stored at the premises controlled by MediaFire May 9, 2011	Authentication/Identification of Defendant's use of Mediafire to store electronic media files
156	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from <b>Mediafire</b> Search Warrant Return	Summary Exhibit Relevant to Counts 1, 2, 3
157	<b>Document:</b> Basic Guide to Ammonium Nitrate-Nitro Methane	This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful and to prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.
158	<b>Document:</b> Clandestine Activity Organization Guide	This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:  Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.



No.#	Description	Relevance
159	<b>Document:</b> How to Kill Tanks	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
160	<b>Document:</b> Fuel-Air Explosives	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
161	<b>Document:</b> Chemistry of PETN Explosive	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
162	<b>Document:</b> Portable Self-Contained Explosives System	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
163	<b>Document:</b> Undercover Operations Policy Manual	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>

No.#	Description	Relevance
164	<b>Document:</b> Make a Zip Gun	This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:  Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.
165	<b>Document:</b> Engineering-Fluid Dynamics	This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:  Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.
166	<b>Document:</b> Guard Dog Training	This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:  Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.
167	<b>CD:</b> 500g APAN Charge (Video)	This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:  Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.
168	<b>CD: PowerPoint Summary Exhibit</b> (1)Data from <a href="http://www.bombshock.com">www.bombshock.com</a> Use JoeB Public Search	Summary Exhibit Relevant to Counts 1, 2, 3
169	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating that "JoeB" joined in August 2009 and posted information about acquiring false identification	Identification of Defendant's use of "ARlehtpU" as a moniker for posting on <a href="http://www.bombshock.com">www.bombshock.com</a>  It is not unduly prejudicial pursuant to Rule 403.  [ Published through Govt. Ex. 168 ]

No.#	Description	Relevance
170	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "JoeB" discussed explosives on September 27, 2009	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
171	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "JoeB" discussed explosives on October 2, 2009	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
172	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating that "ARlehtpU" joined on November 7, 2009	Identification of Defendant's use of "ARlehtpU" as a moniker for posting on <a href="http://www.bombshock.com">www.bombshock.com</a>  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
174	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "JoeB" discussed explosives on November 13-19, 2009	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]

No.#	Description	Relevance
175	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" discussed explosives on December 16, 2009	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
176	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" posted explosive diagram on December 23, 2009	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
177	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "JoeB" discussed explosives and Timothy McVeigh on December 30, 2009	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
179	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" posted explosive making advice on January 5, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]

No.#	Description	Relevance
180	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" posted explosive making advice on January 9, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
181	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" posted explosive making advice on January 13, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
182	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" posted information identifying himself with the IRA on January 22, 2010	Identification of Defendant's use of "ARlehtpU" as a moniker for posting on <a href="http://www.bombshock.com">www.bombshock.com</a>  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
183	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARlehtpU" posted a photograph of a 20 lb. bag of AN on February 1, 2010 and Posting by ARlehtpU on ShadowRx same.	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]

No.#	Description	Relevance
184	<b>Document:</b> Printout from <a href="http://www.bombshock.com">www.bombshock.com</a> Indicating "ARiehtpU" posted explosive acquiring/making advice on February 7, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 168</i> ]
185	<b>CD: PowerPoint Summary Exhibit (1)</b> Data from <a href="http://www.shadowrx.com">www.shadowrx.com</a> and <a href="http://www.bombshock.com">www.bombshock.com</a> user name ARIEHTPU, public Search	Summary Exhibit Relevant to Counts 1, 2, 3
186	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> Indicating "ARiehtpU" joined on January 2, 2010 and had 82 posts, same avatar as on Brice's computer and started threads.	Identification of Defendant's use of "ARiehtpU" as a moniker for posting on <a href="http://www.shadowrx.com">www.shadowrx.com</a>  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]
187	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> Indicating "ARiehtpU" discussed explosives on January 4, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]

No.#	Description	Relevance
188	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> indicating "ARiehtpU" discussed making explosives on January 19, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]
189	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> indicating "ARiehtpU started thread "Finally found bulk Ammonium Nitrate seller" on February 1, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]
190	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> indicating "ARiehtpU" posted a photograph of himself (Joseph Jefferey Brice) on February 8, 2010	Identification of Defendant's use of "ARiehtpU" as a moniker for posting on <a href="http://www.shadowrx.com">www.shadowrx.com</a>  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]
191	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> indicating "ARiehtpU" posted armored car robbery strategy that included the use of explosives on February 10, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: motive/intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]



No.#	Description	Relevance
192	<b>Document:</b> Printout from <a href="http://www.shadowrx.com">www.shadowrx.com</a> Indicating "ARlehtpU" posted to the thread "bio-toxins" on February 17, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3: prove the Defendant's <i>intent</i> to provide material support to terrorists  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 185</i> ]
193	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> o Search and Google Search Warrant	Summary Exhibit Relevant to Counts 1, 2, 3
194	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" joined in November 2010	Identification of Defendant's use of "Yusuf90" as a moniker for posting on <a href="http://www.dinhaqq.info">www.dinhaqq.info</a>  It is not unduly prejudicial pursuant to Rule 403.
195	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" posted links to explosive-related documents and other documents on the Explosives Guides Forum on December 18, 2010, that were posted on Mediafire.	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 2: Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; Count 3: Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]
196	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" posted information about hand-to-hand combat on the Deen Al Haq Explosives Guides Forum on December 21, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 3: Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]

No.#	Description	Relevance
197	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" posted a link to the YouTube channel <a href="http://www.youtube.com/user/strengthofallah">www.youtube.com/user/strengthofallah</a> on December 28, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]
198	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" indicated that he fights for the cause of Allah and Islam and posted a link to the YouTube channel <a href="http://www.youtube.com/user/strengthofallah">www.youtube.com/user/strengthofallah</a> on January 10, 2011	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]
199	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" replied to thread: "I am a Proud Terrorist" on December 26, 2010	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]
200	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" replied to thread: "Anyone Know What Happened to the Inspire 5" on April 28, 2011	This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]

No.#	Description	Relevance
202	<b>Document:</b> Copy of Inspire Magazine No. 5	<p>The magazine was posted by the Defendant and is relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
203	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" replied to thread: "Medical Care" on May 1, 2011	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 193</i> ]</p>
204	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" replied to private messages from "Abu Harith" on May 2, 2011	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 193</i> ]</p>
205	<b>Document:</b> Printout from <a href="http://www.dinhaqq.info">www.dinhaqq.info</a> Indicating that "Yusuf90" replied to private messages from "Abu Harith" on May 2, 2011	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 193</i> ]</p>

No.#	Description	Relevance
206	<b>Document:</b> Printout of email conversation between " <a href="mailto:allahguidance@gmail.com">allahguidance@gmail.com</a> " and <a href="mailto:abuharith1978@gmail.com">abuharith1978@gmail.com</a> between May 3, 2011, and May 8, 2011	<p>This is the Defendant's social media conversation with the FBI Undercover Employee. The statements are admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 193</i> ]</p>
206	<b>CD: PowerPoint Summary Exhibit (1)</b> Data from <a href="http://theync.com">theync.com</a> Search	Summary Exhibit Relevant to Counts 1, 2, 3
207	<b>CD:</b> Undercover downloads of Din Haqq (15 pdf's)	<p>This is the Defendant's social media conversation with the FBI Undercover Employee. The statements are admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 206</i> ]</p>
208	<b>Document:</b> Post by "Joey" on <a href="http://theync.com">theync.com</a> Indicating he hurt himself with an 8# bomb of fertilizer and aluminum, on May 30, 2010.	<p>This is the Defendant's social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 206</i> ]</p>
209	<b>Document:</b> Printout from <a href="http://theync.com">theync.com</a> Indicating that "Joey Super Moderator" joined on June 15, 2008	<p>Identification of Defendant's use of "Joey Super Moderator" as a moniker for posting on <a href="http://theync.com">theync.com</a></p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 206</i> ]</p>

No.#	Description	Relevance
210	<b>Document:</b> Printout from <u>theync.com</u> Indicating that “Joey” posted a link <a href="http://theunjustmedia.com/Islamic%20...July10/in2.pdf">http://theunjustmedia.com/Islamic%20...July10/in2.pdf</a> (Inspire Magazine) “make a bomb in the kitchen of your mom’ Al Qaeda releases INSPIRE, an Jihadi magazine.” on Decemnber 7, 2010	The magazine was posted by the Defendant and is relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 206</i> ]
211	<b>Document:</b> Printout from <u>theync.com</u> Indicating that “Joey Super Moderator” started a thread “Suicide Bomb Aftermath – 22 Killed” on December 18, 2010	This is the Defendant’s social media statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 193</i> ]
212	<b>Document:</b> Printout from <u>theync.com</u> Indicating that “Yusuf” was registered on November 30, 2010	Identification of Defendant’s use of “Joey Super Moderator” as a moniker for posting on <u>theync.com</u>  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 206</i> ]
213	<b>Item:</b> Dell Laptop (Apartment)	Seized During Execution of Search Warrants on May 9, 2012
214	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from FBI Search of Dell laptop computer	Summary Exhibit Relevant to Counts 1, 2, 3
215	<b>CD:</b> Forensic results of Dell Laptop	Authentication of Dell Laptop Computer  [No Present Intent to Publish]
216	<b>Item:</b> HP Laptop (Apartment)	Seized During Execution of Search Warrants on May 9, 2012
217	<b>CD:</b> Forensic results of HP Laptop	Authentication of HP Computer  [No Present Intent to Publish]

No.#	Description	Relevance
218	<b>Document:</b> Inspire Spring 2011 (70 pages)	Seized During Execution of Search Warrants on May 9, 2012
219	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from FBI Search of HP laptop computer	Summary Exhibit Relevant to Counts 1, 2, 3
220	<b>Document:</b> Inspire Fall 2010 (74 pages)	Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 219</i> ]
221	<b>Document:</b> Inspire Winter 2010 (67 pages)	Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 219</i> ]
222	<b>Document:</b> Wilderness Evasion (84 pages)	Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 219</i> ]
223	<b>CD:</b> Video of, Explosion at river "it didn't go"	Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 219</i> ]ø

No.#	Description	Relevance
224	<b>CD:</b> Video of Original 50 KG dynamite house	<p>Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
225	<b>CD:</b> Chechen fighting, one killed head shot)	<p>Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
226	<b>CD:</b> Video (Jihadist making and using IED) (57 min)	<p>Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
227	<b>CD:</b> Video of explosion at river "it didn't go" long version, showing Brice running	<p>This video was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful and to prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>



No.#	Description	Relevance
228	<b>CD:</b> Video of explosion at river “feel it?”	<p>This video was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful and to prove the Defendant’s <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
229	<b>CD:</b> Video of Bin Laden, no sound.	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
230	<b>CD:</b> Video by Ansar 1.info of Chechen leader speech(19 min)	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
231	<b>CD:</b> Nasheed chant used in Strengthofallah videos	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>

No.#	Description	Relevance
232	<b>Document:</b> “The criminal rules” (5 pages)	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
233	<b>CD:</b> Audio of nasheed chant	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
234	<b>CD:</b> 50 kilo dynamite blowing up house long version	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>
235	<b>CD:</b> Martyr video (Edited Strengthofallah)	<p>Located on Defendant’s HP laptop computer, relevant pursuant to Rule 401 to:</p> <p><u>Count 3:</u> Defendant’s <i>intent</i> to provide material support to terrorists.</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p> <p>[ Published through <i>Govt. Ex. 219</i> ]</p>

No.#	Description	Relevance
236	<b>CD: Jihad photo show with chant (20 min)</b>	Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3</u> : Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 219</i> ]
237	<b>CD: Jihad (19 min)</b>	Located on Defendant's HP laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3</u> : Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 219</i> ]
238	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from FBI Search of Cyberpower laptop computer	Summary Exhibit Relevant to Counts 1, 2, 3
239	<b>CD: 50 kilo dynamite blowing up house long version</b>	Located on Defendant's Cyberpower laptop computer, relevant pursuant to Rule 401 to:  <u>Count 3</u> : Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 238</i> ]
240	<b>Item: Cyberpower Laptop (Apartment)</b>	Seized During Execution of Search Warrants on May 9, 2012
240.1	<b>CD: Forensic results of Cyberpower computer</b>	Authentication of Cyberpower Computer  [No Present Intent to Publish]

No.#	Description	Relevance
241	<b>Document:</b> "Some aspects of the chemistry and toxic action of Organic Compounds Containing Phosphorous and Fluorine" (245 pages)	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful and to prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
242	<b>CD:</b> Video of explosion at river, "You feel it?"	<p>This video was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful and to prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
243	<b>CD:</b> Video of explosion at river "it didn't go" long version with Brice running	<p>This video was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful and to prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
244	<b>Document:</b> "Anarchy Cookbook Version 2000" (329 pages)	<p>This document was located in an electronic media storage controlled by the Defendant and is relevant pursuant to Rule 401 to:</p> <p>Count 1: intent to manufacture explosive  Count 2: experience/knowledge of explosives  Count 3: knowledge that training would be successful and to prove the Defendant's <i>intent</i> to provide material support to terrorists</p> <p>It is not unduly prejudicial pursuant to Rule 403.</p>
245	<b>Item:</b> Silver CPU (House)	Seized During Execution of Search Warrants on May 9, 2012

No.#	Description	Relevance
246	<b>CD:</b> Forensic results of Silver CPU	Authentication of CPU Computer [No Present Intent to Publish]
247	<b>CD: PowerPoint Summary Exhibit</b> (1) Data from FBI Search of silver CPU computer	Summary Exhibit Relevant to Counts 1, 2, 3
254	<b>CD:</b> Timothy McVeigh the unknown soldier (4 min)	Located on Defendant's CPU laptop computer, relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 247</i> ]
255	<b>CD:</b> Timothy McVeigh why I did it (4 min)	Located on Defendant's CPU laptop computer, relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 247</i> ]
256	<b>CD:</b> Timothy McVeigh unknown soldier with sound by rzaforshiza (4 min)	Located on Defendant's CPU laptop computer, relevant pursuant to Rule 401 to:  <u>Count 1:</u> Defendant's emulation of Timothy McVeigh and motive to manufacture chemical explosives <u>Count 2:</u> Defendant's <i>knowledge</i> that the information he was distributing pertained to manufacture of an explosive; <u>Count 3:</u> Defendant's <i>intent</i> to provide material support to terrorists.  It is not unduly prejudicial pursuant to Rule 403.  [ Published through <i>Govt. Ex. 247</i> ]

No.#	Description	Relevance
257	<b>PowerPoint Summary Exhibit</b> (1) Data from FBI Search of Iphone	Summary Exhibit Relevant to Counts 1, 2, 3
258	<b>CD:</b> Forensic results of Iphone	Authentication of Iphone [No Present Intent to Publish]
259	<b>Item:</b> Iphone (Apartment)	Seized During Execution of Search Warrants on May 9, 2012
260	<b>CD:</b> Forensic results of camera	Authentication of camera [No Present Intent to Publish]
261	<b>Item:</b> Casio Camera (Apartment)	Seized During Execution of Search Warrants on May 9, 2012
262	<b>Document:</b> Diagram of bomb by Brice given to TFO Collins	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to:  Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful  It is not unduly prejudicial pursuant to Rule 403.
263	<b>CD:</b> Video by Loseth of bomb location	Relevant to Count 1
265	<b>Document:</b> Diagram of bombs by Brice e-mailed to TFO Collins	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1, Count 2, Count 3
267	<b>CD:</b> Post-Arrest Interview of Joseph Jeffery Brice on May 9, 2011	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1, Count 2, Count 3
268	<b>Document:</b> Transcript of Post-Arrest Interview of Joseph Brice on May 9, 2011	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1, Count 2, Count 3
269	<b>Document:</b> Timeline initialed by Joseph Brice on May 9, 2011	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1, Count 2, Count 3

No.#	Description	Relevance
269.1	<b>Document:</b> Zion Job initialed by Joseph Brice on May 9, 2011 (4 pages)	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1
270	<b>Document:</b> Photographs of Explosive Practice Range, initialed by Joseph Brice on May 9, 2011 (3 photos)	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
270.1	<b>Document:</b> Photograph of metal endcap, initialed by Joseph Brice on May 9, 2011.	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to Count 1: intent to manufacture explosive Count 2: experience/knowledge of explosives Count 3: knowledge that training would be successful
271	<b>Document:</b> Printout from <u>theync.com</u> initialed by Joseph Brice on May 9, 2011 (make bomb in kitchen 7 pages)	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to to Count 1, Count 2, Count 3
272	<b>Document:</b> Printout from <u>theync.com</u> initialed by Joseph Brice on May 9, 2011 (Suicide bomb 7 pages)	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to to Count 1, Count 2, Count 3
273	<b>Document:</b> Consent to assume on-line identity signed by Joseph Brice on May 9, 2011	This is the Defendant's statement. The statement is admissible as a party admission pursuant to Rule 801(d)(2)(A), relevant pursuant to Rule 401 to to Count 1, Count 2, Count 3
274	<b>Photograph:</b> Of Jeep at Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
275	<b>Photograph:</b> Cannon Fuse located in Jeep vehicle on May 9, 2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
276	<b>Item:</b> Cannon Fuse located in Jeep vehicle on May 9, 2011	Seized During Execution of Search Warrants on May 9, 2012
277	<b>Photograph:</b> Drill located in vehicle on May 9, 2011	Seized During Execution of Search Warrants on May 9, 2012



No.#	Description	Relevance
278	<b>Photograph:</b> Televisions located in apartment on May 9, 2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
279	<b>Photograph:</b> Metal pipe end-cap at store (SA Slack)	Photograph Taken During Execution of Search Warrants on May 9, 2012
280	<b>Photograph:</b> Red time fuse at store (SA Slack)	Photograph Taken During Execution of Search Warrants on May 9, 2012
281	<b>CD:</b> PEN results	Authentication of PEN Results [No Present Intent to Publish]
282	<b>Document:</b> Summary of PEN results	Summary Exhibit
283	<b>Item:</b> Estes rocket kit (Missing ignition)	Seized During Execution of Search Warrants on May 9, 2012
284	<b>Photograph:</b> Of Estes Rocket kit at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
285	<b>Photograph:</b> Of Photolog for search at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
286	<b>Photograph:</b> Of residence at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
287	<b>Photograph:</b> Of dental lab at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
288	<b>Photograph:</b> Of dental lab at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
290	<b>Photograph:</b> Of generic silver computer at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012

No.#	Description	Relevance
291	<b>Photograph:</b> Of Hydro-Flouric Acid at 1748 Westwood Dr. Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
292	<b>Photograph:</b> Of Photolog for search at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
293	<b>Photograph:</b> Of front of apartment at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
294	<b>Photograph:</b> Of livingroom and TV's at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
295	<b>Photograph:</b> Of Dell laptop at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
296	<b>Photograph:</b> Of Dell Laptop at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
297	<b>Photograph:</b> Of HP Laptop at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
298	<b>Photograph:</b> Of Cyberpower laptop at 538 Riverview Blvd #3, Clarkston WA 5/9/2011	Photograph Taken During Execution of Search Warrants on May 9, 2012
300	<b>Document:</b> CableOne response to subpoena (4 pages)	Authentication of Cable One Response [No Present Intent to Publish]

The United States respectfully reserves the right to supplement the above statements of relevancy during oral argument on September 12, 2012.

1           **C.     Legal Authority:**

2           In addition to the “bill of particulars,” “road map,” and “discussion of  
3 relevant evidence,” the United States provides the following legal authority  
4 addressing the admission of similar evidence in similar cases.

5                   **1.     “The First Amendment does not prohibit the evidentiary  
6 use of speech to establish the elements of a crime or to  
7 prove motive or intent.” Wisconsin v. Mitchell, 508 U.S.  
8 476, 489 (1993).**

9           “Speech does not become inadmissible to show context or intent simply  
10 because standing alone it is protected.” Planned Parenthood of  
11 Columbia/Willamette, Inc. v. Am. Coal. of Life Activists, 290 F.3d 1058, 1083  
12 (9th Cir. 2002) (allowing the ); see also United States v. Barnett, 667 F.2d 835,  
13 844 (9th Cir. 1982)( “...the first amendment does not compel the exclusion of  
14 evidence simply because it consists of speech. If a defendant's words or his silence  
15 are relevant to prove some issue in the case, they are admissible subject to the  
16 rules of evidence and the fifth amendment privilege against self-incrimination.).  
17 When holding that the First Amendment does not prohibit the evidentiary use of  
18 speech to establish the elements of a crime or to prove motive or intent in  
19 Wisconsin v. Mitchell, the Supreme Court cited to an earlier case. The case was  
20 Haupt v. United States, 330 U.S. 631 (1947) and involved the prosecution of a  
21 naturalized citizen of German birth for treason.

22           In Haupt, the prosecution used the defendant’s statements along with other  
23 evidence to prove the acts were committed out of “adherence to the enemy.”  
24 Haupt, 330 U.S. at 641. The defendant’s statements introduced against him  
25 included, “that after the war he intended to return to Germany, that the United  
26 States was going to be defeated, that he would never permit his boy to join the  
27 American Army, that he would kill his son before he would send him to fight  
28

Germany, and others to the same effect....” Id. at 642. When addressing whether the statements should have been used as evidence, the court indicated,

It is also urged that errors were made in admission of evidence. Some of this concerned conversations and occurrences long prior to the indictment which were admitted to prove intent. They consisted of statements showing sympathy with Germany and with Hitler and hostility to the United States. Such testimony is to be scrutinized with care to be certain the statements are not expressions of mere lawful and permissible difference of opinion with our own government or quite proper appreciation of the land of birth. *But these statements were explicit and clearly were admissible on the question of intent and adherence to the enemy. Their weight was for the jury.*

Id. at 642.

The Supreme Court and the Ninth Circuit case law is clear: A defendant’s statements can be introduced as evidence to establish the elements of a crime, to prove motive or intent, or show context regardless of whether the speech is protected by the first amendment or otherwise non-criminal. See e.g., Mitchell, 508 U.S. at 489. In the instant case, the Defendant’s statements about Timothy McVeigh, violence towards the government, jihad, terrorism, religion, and bomb making are evidence of the Defendant’s intent, motive, knowledge, preparation, and planning. The Defendant’s statements do not have to rise to the level of criminality to be used as evidence of intent against him. Of course, the statements are subject to the rules of evidence. Barnett, 667 F.2d at 844. However, whether these statements are protected by the First Amendment or are criminal by themselves is irrelevant because “[s]peech does not become inadmissible to show context or intent simply because standing alone it is protected.” Planned Parenthood of Columbia/Willamette, Inc., 290 F.3d at 1083.

## 2. Evidence of Speech and Videos and Other Media Have Been Admitted, and Evidentiary Rulings Upheld, in Similar Cases.

Admitting evidence of a defendant’s statements and videos and other media in his possession to show intent is common in terrorism prosecutions. The first example is United States v. Jayyousi, 657 F.3d 1085 (11th Cir. 2011). In Jayyousi,

1 the defendant Kifah Wael Jayyousi, among others, were charged with providing  
2 material support to terrorist in violation of 18 U.S.C. § 2339A and two other  
3 counts. Jayyousi, 657 F.3d at 1091. After a four month trial each defendant was  
4 found guilty on every count. Id. at 1092. On appeal, Jayyousi contended that the  
5 district court erred “by admitting into evidence a portion of a 1997 CNN interview  
6 with Osama bin Laden.” Id. at 1107-1108. Jayyousi maintained that the video was  
7 both irrelevant and unfairly prejudicial. Id. at 1108. Jayyousi also claimed he never  
8 saw the video, however, the United States “presented evidence of numerous calls,  
9 ... in which Jayyousi and [another defendant] ... discussed the videotaped  
10 interview and an August fatwa that ... was ‘very likely’ issued by bin Laden as a  
11 threat to America.” Id. at 1109.

12 The original video of the interview was twenty-four minutes but the jury  
13 was shown seven minutes of the video one time. Id. Further, the United States was  
14 not allowed to ask questions about the contents of the video after it was played. Id.  
15 When holding that the district court properly admitted the evidence, the Eleventh  
16 Circuit stated,

17 The district court conducted the proper balancing test and mitigated the  
18 prejudice to the defendants by instructing the jury to consider the video not  
19 for its truth, *but rather as state of mind evidence* against Hassoun and  
Jayyousi. The district court clearly expressed to the jury that there was no  
indication that the defendants were connected to the 9/11 attacks.

20 Id.(internal citations omitted) (emphasis added). Thus, the Eleventh Circuit upheld  
21 the introduction of the Osama Bin Laden video, not because watching, possessing,  
22 or talking about the video is criminal, but because it provides evidence as to the  
23 state of mind of the defendant. Id.

24 The second example is United States v. Abu-Jihaad, 630 F.3d 102 (2d Cir.  
25 2010), cert. denied, 131 S. Ct. 3062 (2011). In Abu-Jihaad, the defendant Hassan  
26 Abu-Jihaad was charged with communicating national defense information  
27 respecting the movements of a United States Navy battlegroup to a jihadi website  
28

1 named “Azzam Publications” and for providing material support to terrorists.  
 2 Abu-Jihaad, 630 F.3d at 116-117. After a jury trial, Abu-Jihaad was convicted of  
 3 both counts. Id. However, the district court granted Abu-Jihaad’s motion for a  
 4 judgment of acquittal on the material support count as a matter of law. Id. at 117,  
 5 n.17.

6 At both the district court and the Second Circuit, Abu-Jihaad argued against  
 7 the admission of, among other exhibits, three videos entitled Martyrs of Bosnia,  
 8 Part I; Russian Hell in the Year 2000; and Russian Hell in 2000, Part II. United  
 9 States v. Abu-Jihaad, 553 F. Supp. 2d 121, 127 (D. Conn. 2008). The videos  
 10 depicted “fighting between the mujahideen and Russian troops, replete with  
 11 numerous explosions, shootings, and dead soldiers as well as Muslim fighters.” Id.  
 12 Abu-Jihaad contended that the videos would inflame the passions of the jury and  
 13 had little probative value. Id. When overruling Abu-Jihaad’s objections, the  
 14 district court wrote,

15 The Court shares Mr. Abu-Jihaad's concerns about the more gruesome  
 16 portions of the videos, but disagrees completely regarding their probative  
 17 value. In this case, the Government will have to prove that Mr. Abu-Jihaad  
 18 sent the Battle Group document to Azzam Publications *with the intent and*  
 19 *knowledge that it would be used to inflict death on U.S. personnel.* To  
 20 shoulder that heightened mens rea burden, the Government wants to provide  
 21 information about both Mr. Abu-Jihaad's mindset as well as Azzam  
 22 Publication's. There is evidence in this case that Mr. Abu-Jihaad ordered the  
 23 videos in question from Azzam Publications and had them in his possession  
 24 until he destroyed them around the time articles appeared in newspapers  
 25 about the Battle Group document. Mr. Kohlmann will testify that these  
 26 videos were popular among jihadists and were used by Azzam Publications  
 to recruit Muslim fighters. The videos themselves glorify martyrdom and  
 also the killing of non-believers. *The videos, therefore, provide*  
*circumstantial information that the jury could use to determine Mr.*  
*Abu-Jihaad's intent as well as the motives and intent of Azzam Publications.*  
 Also, the Government in this case will have to answer the question of why  
 Mr. Abu-Jihaad would send information to terrorists that could be used to  
 blow up the very ship on which he was stationed. As the Government points  
 out, these videos glorify martyrs and also state explicitly that martyrs never  
 actually die but instead dwell in paradise, thus possibly providing the jury  
 with an answer to that important question. Therefore, the Court finds that  
 the videos are probative of intent and motive.

27 Abu-Jihaad, 553 F. Supp. 2d at 127-128 (emphasis added).  
 28



1 The district court allowed segments of the videos to be played for the jury,  
2 minus the most gruesome portions. Id. at 129. The district court also provided the  
3 jury with limiting instructions: “first, that the videos are evidence only of intent  
4 and do not provide any evidence whatsoever that Mr. Abu-Jihaad ever sent the  
5 Battle Group document to Azzam Publications; and second, that the jury must not  
6 let this evidence, or any other evidence, inflame their passions, prejudices, or  
7 biases.” Id. at 128.

8 The Second Circuit upheld the district court’s admission of the evidence.  
9 Abu-Jihaad, 630 F.3d at 134. The Court held, “We identify no error, let alone  
10 arbitrary or irrational error, in the decision of admissibility under these  
11 circumstances. Moreover, any danger of unfair prejudice was here again  
12 minimized by the district court’s limiting instructions, which we presume the jury  
13 followed.” Id.

14 The third example is United States v. Salameh, 152 F.3d 88 (2nd Cir. 1998).  
15 In *Salameh*, the defendants were indicted on various charges relating to their  
16 participation in the plot to bomb the World Trade Center in 1993. Salameh, 152  
17 F.3d at 108. After a six month long jury trial, the defendants were convicted on all  
18 counts. Id. Among the raft of assignments of error addressed by the Second Circuit  
19 in the defendants’ appeal was whether certain evidence should have been  
20 admitted. The evidence in question included a videotape of the bombing of an  
21 American embassy which also provided instruction on how to make explosives  
22 and timing devices; a videotape containing a chemistry lesson on manufacturing  
23 explosives; a document entitled “Facing the enemies of God terrorism is a  
24 religious duty and force is necessary,” which urged acts of terrorism against the  
25 enemies of Islam; and (6) a book entitled “Rapid Destruction and Demolition,”  
26 which described the destruction of buildings and contained a formula for using  
27 explosives to accomplish this end. Id. at 110.



1 The defendants argued that the judge erred in admitting the evidence  
2 because it was unfairly prejudicial and violated the First Amendment. *Id.* The  
3 Second Circuit disagreed. *Id.* The court held that “the materials that were admitted  
4 established the existence of the conspiracy to bomb American targets and  
5 *demonstrated the defendants' intent and motivation* to use violence to protest  
6 American foreign policy in the Middle East.” *Id.* at 111. The court further  
7 explained that “the materials, in addition to establishing a link between the  
8 co-conspirators, evidenced the conspiracy's *motive and intent* to bomb targets in  
9 the United States. In addition, the materials provided the jury with background and  
10 ‘an explanation of the *understanding or intent* with which certain acts were  
11 performed.’” *Id.*

12 Finally, when dismissing the defendants’ First Amendment claim the  
13 Second Circuit indicated:

14 [the defendants were not] prosecuted for possessing or reading terrorist  
15 materials. The materials seized from Ajaj were used appropriately to prove  
16 the existence of the bombing conspiracy and its motive. Moreover, any  
17 prejudicial effect they might have had was ameliorated by the trial court's  
instruction that mere possession of the literature is not illegal and that the  
defendants' political beliefs were not on trial.

18 Salameh, 152 F.3d at 112.

19 The final example of a court admitting evidence of a defendant’s statements  
20 and videos and other media in his possession to show intent is common in  
21 terrorism prosecutions is United States v. Parr, 545 F.3d 491 (7th Cir. 2008). In  
22 Parr, the defendant was convicted of threatening to use a weapon of mass  
23 destruction against a federal government building in violation of 18 U.S.C. §  
24 2332a(a)(3). Parr, 545 F.3d at 493. During his appeal the defendant argued “that  
25 he was convicted for conduct protected by the First Amendment and that the  
26 district court abused its discretion in allowing the jury to hear evidence of his  
27  
28

1 extensive background relating to bomb-making and his fascination with domestic  
2 terrorism.” Id. at 493-494.

3 Among the evidence admitted at trial included was testimony of the  
4 defendant's former girlfriends and neighbors about the defendant's pervasive  
5 interest in explosives; his history of building pipe bombs and experimenting with  
6 chemicals; and his admiration for domestic terrorist. Id. at 498. The court also  
7 allowed a recording which contained:

8 Parr explain[ing] that he wanted to be "the next McVeigh" and that he had  
9 chosen the federal building in Milwaukee as his target because it was in  
10 "down home America" and would "make a wonderful statement." He said  
11 that antigovernment "militia groups" would be inspired by his bombing, just  
12 as they were when McVeigh blew up the federal building in Oklahoma City.  
13 He said: "I may not be as radical as [McVeigh], but I surely agree with him  
14 and it might unite more people. It might generate some people to stand up  
15 and say, you know what? Enough is enough." Parr promised to give Schultz  
16 an interview afterward so he could sell his story as Parr's former cellmate to  
17 the National Enquirer and other publications.

18 Id. at 495

19 The Second Circuit upheld the admission of the evidence. Indicating, “Parr  
20 put his intent at issue, and the jury was instructed to evaluate Parr's statements for  
21 their objective meaning and Parr's subjective intent. Accordingly, the background  
22 evidence of Parr's antigovernment convictions and his history of bombmaking was  
23 highly relevant.” Id. at 500. The Court went on to state, “In short, when a person  
24 says he plans to blow up a building, he will naturally be taken more seriously if he  
25 has a history of building bombs and supporting terrorism.” Id.

26 The above cases have two important aspects in common. First, the  
27 statements and other materials were admissible because it was relevant to the  
28 defendant’s *intent* to commit the crime charged. As the Salameh court said, “the  
materials provided the jury with background and ‘an explanation of the  
*understanding or intent* with which certain acts were performed.’” Salameh, 152

1 F.3d at 111. Second, the evidence was introduced with limiting instructions that  
2 ameliorate any potential unfair prejudice. See Abu-Jihaad, 553 F. Supp. 2d at 128.

3 The above cases also have a notable similarity to the instant case in terms of  
4 the type of evidence admitted in similar cases compared to the evidence in this  
5 matter: The video of Osama Bin Laden and discussion of Jihad in Jassyoui, 657  
6 F.3d at 1109; the Chechen mujahideen videos in Abu-Jihaad, 553 F. Supp. 2d at  
7 127; the terrorism propaganda and bomb building materials in Salameh, 152 F.3d  
8 at 110; and the bomb building materials and Timothy Mcveigh related statements  
9 in Parr, 545 F.3d at 495. In Short, each piece of evidence is remarkably similar to  
10 the evidence in this case. Further, each of the above peices of evidence were  
11 admitted by the district courts to show intent and, more importantly, each of those  
12 evidentiary rulings were upheld by the circuits on appeal. See e.g., Salameh, 152  
13 F.3d at 112.

14 **V. Conclusion:**

15 The United States respectfully submits this Bill of Particulars, Road Map,  
16 and Discussion of Relevant Evidence.

17 DATED September 7, 2012.

18 Michael C. Ormsby  
19 United States Attorney

20 *s/ Russell E. Smoot*

21 Russell E. Smoot  
22 Assistant United States Attorney

1 I hereby certify that on September 7, 2012, I electronically filed the  
2 foregoing with the Clerk of the Court using the CM/ECF System which will send  
3 notification of such filing to the following, and/or I hereby certify that I have  
4 mailed by United States Postal Service the document to the following non-  
5 CM/ECF participant(s):  
6

7  
8 Matthew Campbell  
9 Federal Defenders  
10 10 North Post Street, Suite 700  
11 Spokane, WA 99201

12 *s/Russell E. Smoot*

13 Russell E. Smoot  
14 Assistant United States Attorney  
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